Commentary

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Schools, Drugs & America's Children

Chester E. Finn, Jr.

Joseph Adelson

The Deal in Central America
Elliott Abrams

German Historians at War
Jerry Z. Muller

The Tower Precedent
Suzanne Garment

Our Road to Zion: A Memoir
David Vital

A (Jewish) Double Helix
Chaim Raphael

Books in Review: Richard John Neuhaus/David Frum/ André A. Aciman/Peter Shaw/Harvey Klehr

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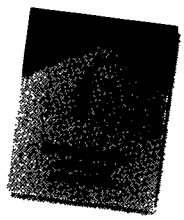

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Commentary

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Letters from Readers

Constitutional Law

TO THE EDITOR OF COMMENTARY:

. . . As an author, I always enjoy and respect a rigorous, well-formulated review that debates on the merits the serious issues I attempt to grapple with in my scholarship. Unfortunately, Stanley C. Brubaker's article on the second edition of my treatise, *American Constitutional Law*, falls far short of this standard ["Rewriting the Constitution," December 1988]. Rather than fairly analyzing my actual positions, he sets up and attacks an army of "revolutionary" straw men. Perhaps it is easier to score points in this way than it is to confront the many varied positions I have taken—some "liberal," some "conservative," and some mixed. Easier, yes; honest, hardly.

Most of "Tribe According to Brubaker" is built on a series of misrepresentations of my views. For example, Mr. Brubaker attributes to me the view that laws banning marijuana and other drugs are unconstitutional infringements on individuals' states of consciousness. In fact, I regard most such drug laws, whether effective or not, as entirely constitutional attempts to control a grave danger to society—provided government does not try to control personal consciousness as such (my p. 1326). How "radical" a position is that? I would have supposed that thought-control is beyond the power of anything but the most totalitarian, Orwellian state. I believe in no such state—but I also reject a radically libertarian position. Thus, Mr. Brubaker's notion that I would condemn compulsory military service as a forbidden form of "slavery" is absurd, and is contradicted by my analysis of the Thirteenth Amendment (my pp. 549, 1688).

Mr. Brubaker also says I believe in radical redistribution of wealth: that, in the context of the equal-protection doctrine, "all that we have is potentially subject to redistribution." Mr. Brubaker must have missed the pages of my book arguing that no such blanket approval of "naked redistributions of wealth" is constitutionally defensible: that the Constitution's protections of property and contract rights are basically designed to "defend those who have from those who want" and that, whether or not "fair" from some philosophical perspective, these protections must be enforced as part of our Constitution unless and until we amend it (my pp. 606, 628).

Indeed, the bulk of Mr. Brubaker's account of my supposed views bears so little resemblance to anything I actually argue that one wonders whose book he is reviewing. For example, he says that I believe "the entire constitutional scheme must ultimately rest" on a specific "notion of human personality." To the contrary, I repeatedly stress that the Constitution "is the product, over time, of a series of not altogether coherent compromises"; that it does *not* "express any single, coherent vision or philosophy"; and that it would be "intellectual conceit" to pretend otherwise.

As to Mr. Brubaker's two grandest charges, I can only point to what the text of my book clearly says. He suggests, first, that I think the courts should be able to do just about anything to rectify constitutional wrongs. I "would not hesitate," he says, "to extend judicial remedies to . . . the consequences of acts that occurred . . . centuries earlier"; I supposedly believe that "massive judicial intervention will frequently be needed" to counter equal-protection violations; and that "one searches *American Constitutional Law* in vain for a remedy that Tribe thinks goes too far." What sort of "search" could miss the literally dozens of pages that reflect the very opposite view? Repeatedly, I explain that many constitutional questions lie primarily or solely in the hands of elected representatives, and that there are sharp institutional limits on the power of judges to enforce the Constitution's norms (e.g., my pp. 16, 34-42, 101-02, 340-50, 1336-37, 1351, 1502-14). Mr. Brubaker's claim to the contrary is premised on a flat misreading of part of my equal-protection analysis (my pp. 1511-14), in which I argue that, even where courts are powerless to provide full relief for equal-protection violations because judicial remedies would be too intrusive, courts should at least identify those violations rather than pretending they do not exist, because this would be more honest and would also give important guidance to the political branches about *their* duties, encouraging them to exercise their

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undoubted powers to fashion more acceptable political remedies.

Second, Mr. Brubaker accuses me of believing that the Constitution is ubiquitous—that it deals with all fundamental matters in American life. He claims that it "seems to escape" me that "the Constitution could be silent on any number of questions, [or] that the political branches can render sound judgments on those questions." To the contrary, as just noted, throughout my book I stress how much of the Constitution's meaning is left to government officials and to citizens. But even more basic, my entire final chapter is devoted to explaining, and in many instances justifying, the Supreme Court's fairly restrictive "state-action" doctrine, which limits the reach of the Constitution to avoid "preempting individual liberty" and to constrain the power of the federal judiciary in support of "federalism and the separation of powers." Indeed, I observe how "fitting [it is] that a book about the Constitution should close by studying what the Constitution is not about." How then can Mr. Brubaker claim that my "eagerness to use judiciary authority to implement" the Constitution's meaning would "leave little in American life that would not be subject to judicial rule or that the people, acting through their elected representatives, would be free to decide"? Maybe he grew tired before reading the final chapter. I could extend this list of misrepresentations and omissions considerably, but perhaps my point is made.

On a few matters of substance in the article, I must plead guilty to Mr. Brubaker's "charges" about my views. Yes, I do believe we have to defend free speech even when it makes people uncomfortable. So I do argue, as he charges I do, that the attempt to "close out . . . awareness" by suppressing obscenity is hard to square with the First Amendment, as several Justices of the Supreme Court have on occasion acknowledged. On the other hand, Mr. Brubaker is wrong to say that I treat "pornography laws [as] nothing more than a remnant of Victorian 'hang-ups' about sex"; I was in fact deeply sympathetic to the legislative attempts of feminists in Minneapolis and elsewhere to combat the concrete impact of pornography on women, although in the end I concluded, as did the Supreme Court, that those proposals violate the free-speech clause of the First Amendment (my pp. 920-28).

But my First Amendment position does not, contrary to Mr. Brubaker's accusation, arise out of a disregard for the traditional "republican" ideals of "self-government" that I in fact defend at length (my pp. 98-100, 380-82, 397-98). I simply recognize that republican self-government is not the *only* ideal underlying the Constitution. Thus I admit to more than a passing concern for constitutional "ideals of equality and autonomy." With regard to equality, I do believe that the political branches should strive to ensure that their actions do not impose unfair burdens on minority groups which are often overlooked in the give and take of politics, lest such groups become victims "of subconscious patterns of thought" that perpetuate benefits for the majority. As I explain in my book, such concern seems a proper responsibility of public officials sworn to uphold the Constitution and to afford equal protection of the laws to all, although this concern often lies beyond the proper enforcement powers of the federal courts (my pp. 16, 1512-14).

And yes, I do defend, as Mr. Bru-

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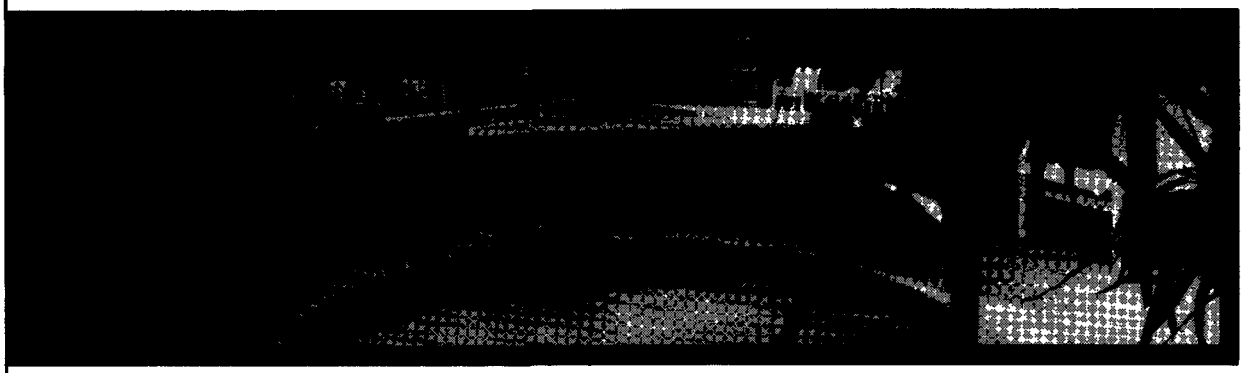

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baker says I do, "a strong presumption" against state intrusion in all "consensual sexual associations" except those involving force or unequal bargaining power; and I do believe a woman has "a constitutional right to an abortion" in early pregnancy—two beliefs that follow, in my view, from the very principle of non-totalitarian government. For if the state may dictate the "proper" form of sexual intimacy, what may it not tell each of us we must do? And if the state may force pregnant women from conception onward to serve as the unwilling vessels of the "persons" they have conceived, what may it not command them to do or refrain from doing with their bodies? I cannot accept the view that the state's power over our lives is so limitless. Perhaps that belief *is* "revolutionary": Americans fought a revolution to establish its underpinnings.

Mr. Brubaker and I both agree that one should not read into the Constitution something that is simply not there, as a means of advancing one's own personal agenda. I wish Mr. Brubaker took a similar approach to writing articles.

LAURENCE H. TRIBE
Harvard Law School
Cambridge, Massachusetts

TO THE EDITOR OF COMMENTARY:

I have worked closely with Laurence Tribe as his student, co-counsel, and collaborator for the better part of a decade, and have grown accustomed to seeing him used as the preferred voodoo doll whenever a writer wants to stick pins in that bogeyman known as "government by judiciary." But even my jaded eyes widened at the enormity of Stanley C. Brubaker's misrepresentation of the second edition of *American Constitutional Law*.

Mr. Brubaker declares that Laurence Tribe would "extend race-conscious judicial 'remedies' far beyond anything the Court has ever sanctioned," and that his vision of judicial power would "leave little in American life that would not be subject to judicial rule or that the people, acting through their elected representatives, would be free to decide." Mr. Brubaker can perhaps be forgiven for having missed the argument Tribe makes, in several other chapters of his treatise as well as in articles published a decade ago, that not all governmental duties or all constitutional norms are enforceable in the courts. But what is truly astonishing is Mr. Brubaker's failure to grasp the argument Tribe makes in the very chapter (on equal protection) on which he concentrates.

Tribe's thesis in that particular section is that it is the responsibility not only of the courts, but of every branch of government, state and federal, to enforce constitutional guarantees. Many of the cases in which the Supreme Court found no equal-protection violation can be explained as an often appropriate judicial reluctance to embrace the sorts of intrusive remedies that would be necessary to redress or to relieve such violations. In that situation, Laurence Tribe argues, the courts ought to concede that a constitutional violation indeed exists, but to conclude that the courts, as opposed to the political branches of government, are powerless to provide relief: "A right to equal protection of the laws," he writes, "even if not perfectly enforceable in a court, remains a right legally valid to its full conceptual limits. . . ."

In this way, the courts would fulfill their role of expounding the Constitution while respecting the boundaries of their remedial power and providing Congress, the executive, and state-government officials with guidance on how to fulfill *their* sworn constitutional duty of making good on the promises of the Fourteenth Amendment. Laurence Tribe concludes this chapter with the observation that eradicating contemporary vestigial and inertial racial injustice "will require not only the ad hoc, episodic efforts of the judiciary, but also the more flexible and continuous tools possessed by the executive and the legislature for systematically bringing about systemic change."

Mr. Brubaker seems to have been so committed to showing how Laurence Tribe "rewrites" the Constitution that he felt free to rewrite Tribe's treatise in order to support his own thesis. Contemporary constitutional discourse has deteriorated to the point where disagreement is all too often accompanied by denunciation. It would be nice if we could at least avoid deceptive mischaracterizations as well.

BRIAN STUART KOUKOUTCHOS
Cambridge, Massachusetts

TO THE EDITOR OF COMMENTARY:

Stanley C. Brubaker essentially defines obscenity as "[that which] offends what is high and appeals to what is low in human character, . . . [that which] corrupts and debases character." He believes that the Supreme Court has the right to, and should, ban "obscene" material.

What is most curious about this line of argument is that Mr. Brubaker clearly restricts his definition of "obscene" matter to sexually explicit material—the subject, indeed, of the Supreme Court decisions which he invokes in determining what counts as obscene. One wonders if this notion of sexual material as uniquely debasing is indeed—and is nothing more than—a product (as Mr. Brubaker ironically puts it) of "Victorian 'hang-ups' about sex."

Otherwise, and more importantly, what does Mr. Brubaker think our society, and our Supreme Court, ought to do about other material that "corrupts and debases character"? The TV program *Lifestyles of the Rich and Famous*, for example, which patently "appeals to what is low in human character," or Morton Downey, Jr.'s crude and vulgar program, which debases the human intellect by suggesting that an idea is only a less manly substitute for a punch in the mouth? Or *Rambo* movies, or Jacqueline Susann novels, or *Soldier of Fortune* magazine? Should these be censored, or banned?

Mr. Brubaker may, of course, not agree with my judgment of what is debasing, as I may not agree with his—and 100 other citizens may well produce 100 lists of corrupting (i.e., obscene) material that offends both of us. Consider the range of examples—from *Huckleberry Finn* and *Playboy* magazine to *The Wizard of Oz* and *The Diary of Anne Frank*—that feminists, black activists, fundamentalist Christians, and simple prudes have sought to ban or restrict.

It is precisely to this state of affairs that our First Amendment is addressed; its gist is that neither my notion nor Mr. Brubaker's nor that of a shifting majority of citizens will determine what uplifts or improves or enriches other citizens, but that I will, however errantly, make that judgment for myself—as will Mr. Brubaker and other Americans for *themselves*. If this be "autonomy" (Laurence Tribe's . . . "liberty"), make the most of it—for that is exactly what our Framers wanted a free, adult citizenry to do.

ROBERT L. COHEN
Brooklyn, New York

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TO THE EDITOR OF COMMENTARY:

Stanley C. Brubaker's brilliant critique of the jurisprudence of Laurence Tribe . . . . should be required reading for all American law students. Mr. Brubaker's only fault is that he fails to go far enough in his analysis of judicial activism. Laurence Tribe is not rewriting the Constitution, he is destroying it, and with it, both democracy and republican government.

It would not be out of character for a Supreme Court of nine Laurence Tribe clones to abolish elections themselves as being in violation of the Fourteenth Amendment. The United States Senate is, after all, 98-percent white and 99-percent male. The example may seem absurd, but it would be no more extreme than a decision like *Roe* v. *Wade* or the one-man, one-vote apportionment decision.

To see the death of constitutionalism we need only look at what the Constitution says and what the judicial activists say it says. The Bill of Rights begins with the statement, "Congress shall make no law. . . ." Clearly, it is intended to protect the people and the states from interference by the federal government. The Ninth and Tenth Amendments reiterate this intention. Yet the judicial activists use the Bill of Rights as a weapon to impose their liberal political ideals on unwilling states and the people themselves. Similarly, the judicial activists abuse the laws passed by Congress. The Civil Rights Act of 1964 totally outlaws racial discrimination, yet the courts have construed it as requiring discrimination. . . .

One other point should be made . . . about the current status of the Supreme Court. . . . If President Bush gets to replace the two judicial activists, Thurgood Marshall and William J. Brennan, with Justices like Anthony Kennedy or Antonin Scalia, the next few years will see the death of the Laurence Tribe school of judicial activism.

SUSAN M. JORDAN
Washington, D.C.

TO THE EDITOR OF COMMENTARY:

Laurence Tribe, like Orwell's O'Brien, knows that "the party is in possession of absolute truth, and clearly the absolute truth can never have been different from what it is now." Laurence Tribe's "party," a cabal of liberal professors who dominate the nation's law schools, has discovered absolute truth in the Constitution. Remarkably, as Stanley C. Brubaker ably describes, their version of the Constitution closely adheres to contemporary notions of liberalism as espoused by the Democratic party's left wing. While few ordinary citizens would believe that the Framers of the Constitution in 1787, the Bill of Rights in 1791, and the Civil War Amendments in 1866, intended to incorporate in those documents a political philosophy so perfectly anticipating modern liberalism, Laurence Tribe and his colleagues truly believe—or at least maintain—that the Constitution provides textual, political, and moral support for an agenda that is at war with traditional American political and cultural values. . . .

Laurence Tribe's constitutionalism is deeply suspicious of democracy. In his view, the principal reason that constitutional law exists is to "correct" the excesses and failures of democracy. . . . He fundamentally rejects the American experiment in limited government in favor of a judicial autocracy ironically promising personal autonomy at the same time that it tramples on basic democratic values.

Laurence Tribe has done more than merely "rewrite" the Constitution. His revisionism is nothing less than a bloodless coup. . . .

TIMOTHY TYMKOVICH
Broomfield, Colorado

STANLEY C. BRUBAKER writes:

I thank Timothy Tymkovich and Susan M. Jordan for their letters of support and their additional observations on the jurisprudence of Laurence Tribe. I cannot, however, share Miss Jordan's optimism about the early demise of ultra-liberal jurisprudence, even if President Bush makes a couple of intelligent Supreme Court nominations. Given the hold that the Left has on the legal academy, I suspect this jurisprudence will be with us as a major force for years to come.

In response to my comments on obscenity, Robert L. Cohen sounds the alarm of oppression, asserting that any distinction between high and low, worthy or unworthy, threatens fundamental principles of freedom of speech. Without launching a disquisition on obscenity, I wish to suggest, quite to the contrary, that *unless* we make such qualitative distinctions, liberty is seriously endangered.

Mr. Cohen, it seems, like Mr. Tribe, would like to abolish all such distinctions: religious beliefs, political ideas, obscenity, and drug-induced states of mind—all that we might call "brain events"—should be equally protected. Remarkably, the radical feminists take this same position in their attack upon pornography, believing that the traditional definition of obscenity, with its notion of prurient interests and a hierarchy of values, reflects and perpetuates paternalism and patriarchy. This explains why someone like Mr. Tribe, while ridiculing traditional concerns with obscenity in one section of his treatise, can, in the section immediately following, manifest "deep sympathy" for the feminist attack on pornography.

Egalitarians all, these feminists do not wish to impose their value judgments on the expression of obscenity itself. Rather, they are concerned about the concrete harm the expression causes to women. No doubt pornography does cause harm, but if harm or violence is the measure, I think it would be easy to demonstrate that equal violence may ensue from speech we hold to be at the very core of the First Amendment—for example, the speech of abolitionists, civil-rights activists, and antiwar critics. So under the Tribe/Cohen approach, the First Amendment must either carry as its burden all the harm that may ensue from pornography and drugs, or surrender all expression (equally) to state control once it reaches a certain level of harm.

Contrary to this approach, it seems to me more faithful to the intention of the Framers, the presuppositions of republican government, and the dictates of common sense to adhere to the traditional line and the present Court doctrine on obscenity which holds that it appeals to a prurient interest and offers not a mental experience but a mere physical sensation. The constitutional protection accorded to it should therefore be the same as is given to other sex stimulants and drugs.

As for Laurence Tribe himself, it is not surprising that he should now pretend not to have written the book that I reviewed; it is easier to claim misrepresentation than to defend the fundamental principles of his treatise.

Let me consider in turn his various claims:

1. *Drugs*: in his letter, Mr. Tribe

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says that he regards contemporary marijuana laws "as entirely constitutional attempts to control a grave danger to society." He then cites page 1326 in his text, where, however, the reader will find exactly the opposite—the conclusion of a three-page argument urging a constitutional right to use psychoactive substances such as marijuana. Building from *West Virginia* v. *Barnette* and *Stanley* v. *Georgia*, Mr. Tribe states that the right of privacy and personhood must also protect the individual from governmental attempts "to regulate the ways in which the mind processes the sensory data it receives from the world." "Put in those terms," he continues, "the notion that the state might attempt any such thing may sound a bit preposterous. Yet courts that affirm the power of government to ban the use of such psychoactive substances as marijuana appear to be saying something very much like that." Mr. Tribe concedes that the issue in *Stanley* involved not drugs but "rummaging through someone's library to discover evidence of his mental and emotional tastes," but he goes on to ask, "Is it so much less offensive for government to rummage through someone's medicine chest, kitchen, and wine cellar to put together a picture of his oral and chemical predilections?" In either case, he concludes, "the offense is governmental invasion and usurpation of the choices that together constitute an individual psyche." With his easy invocation of a totalitarian threat, Mr. Tribe thus makes a neat case for the right to use marijuana, but it hardly seems the reasoning of one who sees marijuana laws as "entirely constitutional attempts to control a grave danger to society."

2. *Compulsory military service*: as Mr. Tribe knows perfectly well, I did not claim that he actually argued that compulsory military service is a forbidden form of slavery. Rather, I maintained that compulsory military service would be hard to justify under his "antisubjugation principle" and his notion of autonomy, especially as he elucidates these in the abortion controversy. As to the "contradiction" of my point by his "analysis" of the Thirteenth Amendment, again I would invite the reader to consult the two pages cited by Mr. Tribe to support his point. On page 549, he devotes a total of one-half of one sentence to the Thirteenth and Fifteenth Amendments, which "straightforwardly abolished slavery and prescribed equal voting rights for the freedman." On page 1688, in a footnote, he devotes an entire compound sentence to the Thirteenth Amendment, simply stating the holding of three Supreme Court decisions. There is no "analysis" here, let alone a "contradiction."

3. *Redistribution*: in my article I observed that Mr. Tribe's "antisubjugation" principle would require significant redistribution of wealth, under judicial tutelage, to create the situation that he imagines would have occurred if there had been no discrimination (either conscious or subconscious). In reply, Mr. Tribe quotes himself as saying that the Constitution bars "naked redistributions of wealth."

This quotation (which occurs in a footnote on page 606) derives from his analysis of the Fifth Amendment's "takings" clause ("nor shall private property be taken for public use, without just compensation"). What Mr. Tribe tells us there is not exactly that the Constitution bars "naked redistributions," but rather that it renders them "pointless" by "effectively mandat[ing] that government restore the *status quo ante* by compensating victims of takings." That is, property is merely reshuffled, not redistributed. To achieve genuine redistribution the government must show "that the injury should remain uncompensated because the person 'injured' had more than his or her rightful share in the first place, an imbalance that the injury simply redressed—much as one would recapture a thief's booty."

In the very next section of the treatise, under the heading, "The Problematic Nature of Property," Mr. Tribe drains property rights of any independent force under the Constitution, reducing them to reflections of what he regards as the more fundamental concerns of equality and autonomy (p. 608). In the same section he also mentions the value of "regularity," but that concept too turns out to be defined in terms of equality and autonomy. Thus, one rightfully possesses only what one is justly entitled to expect; according to Mr. Tribe's antisubjugation principle, as I pointed out in my article, the expectations of whites in contemporary America are, he says, "likely to be inflated, if not wholly unfounded" (p. 1537).

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Mr. Tribe does conclude his chapter on contract and property rights with the observation, repeated now in his letter, that these rights function to "defend those who have from those who want," and though they are perhaps not fair, they should be enforced anyway. I should point out, however, that nothing like this sentiment appears in the first edition of his treatise, that from the first edition to the second edition his analysis of property and its "problematic character" remains unchanged, and that the observation comes right after a sharp criticism of the Court's modest effort in recent years to revive these long moribund constitutional rights. I hope I can be forgiven for thinking this isolated fragment to be not worthy of mention in a seven-page article on a 1,778-page book.

4. *Coherence and justification of the Constitution*: in the second edition of his treatise, Mr. Tribe does include the observation (which he repeats in two later footnotes) that the Constitution is "the product, over time, of a series of not altogether coherent compromises." Were Mr. Tribe an advocate of original intent, this point might be of great significance; but he is not.

More revealing than this statement, in any case, and more compatible with the broad argument of the treatise, is Mr. Tribe's explanation that he is venturing on a "unified analysis of constitutional law" that will provide a "systematic treatment, rooted in but not confined to the cases," and "a coherent foundation for an active, continuing, and openly avowed effort to construct a more just constitutional order." That this coherent foundation should ultimately entail an understanding of human nature, or human personality, is hardly an "intellectual conceit" but an inevitable consequence of any serious reflection on constitutional principles—one that becomes explicit in Mr. Tribe's discussion of the "models" of autonomy and equality. There he tells us that the task of fleshing out the meaning of these models "proves inseparable from the much larger enterprise of identifying the elements of being human"; both the rights of the individual and the duties of government must "respond to a substantive vision of the needs of human personality."

5. *Ubiquity of the Constitution*: Mr. Tribe's Constitution may not be everywhere, but it does pop up wherever moral questions arise. Let me cite just one example. When the Court in 1937 abandoned its solicitude for liberty of contract, it was wrong, according to Mr. Tribe, merely to announce that legislatures were *permitted* under the Constitution to enact such measures as minimum wages and maximum hours; instead, the Court should have held that legislatures were *required* to do so in order to attack "economic subjugation and human domination." He maintains that the Constitution should protect the individual not only from the harm of definite action by the government—such as police brutality—but also from the harm that may result from governmental inaction.

Of course, Mr. Tribe speaks tentatively about these affirmative constitutional obligations and recognizes the inability of the courts themselves to design adequate *remedies* (as opposed to proclaiming the constitutional *right*, about which he has no reservations). On the other hand, he does maintain that such affirmative constitutional obligations "fit quite naturally" into evolving conceptions of "bodily integrity," an evolution from the presumptive right to be free from governmental "invasion" of the body to a right of governmental care of the body. For, as he puts it, "governmental omission can be as deadly as the most pointed of governmental acts."

Mr. Tribe here cites his final chapter on "state action" to support his claim that his constitution really would leave many matters up to elected officials. Both his concept and that of the Court on state action are too technical to treat in any detail in this response. Let me just say that Mr. Tribe's understanding of state action is conceptually bound to his theory of "substantive due process," or unwritten rights in the Constitution, and that he vastly expands the concept of state action and thus the relevance of the Constitution by, as I indicated above, making "state inaction" a sort of state action.

6. *Omnicompetence of the courts*: if I "astonished" Brian Stuart Koukoutchos with my "failure" to grasp Mr. Tribe's argument in his chapter on equal protection regarding the limits of judicial authority to provide remedies, I wonder what he thinks of Mr. Tribe's identical "failure" in that same chapter. There Mr. Tribe writes: "If all vestiges of racial isolation in the public schools are to be 'eliminated root and branch,' the federal courts will require discretion to formulate remedies as complex, continuing, and wide-ranging as the problem they confront" (p. 1500).

True, elsewhere he is more equivocal. For instance, again in the same chapter on equal protection, on the pages to which I supposedly gave a "flat misreading," Mr. Tribe ventures the theory that the Court has failed to embrace his antisubjugation principle, not because it sees something wrong with the theory but because it is concerned, and reasonably so, about the extensive *remedies* such a theory would entail. Rather than "masquerading" its decisions in the language of rights, the Court's "proper course," he tells us, "would have been to confront the remedial challenge head on: either grit the teeth and get to work fixing the inequality, no matter what it takes, *or* swallow hard and acknowledge that the constitutional wrong cannot be judicially put right" (p. 1512; my emphasis).

Still elsewhere, as I suggest above, Mr. Tribe does state more forthrightly that there are limits to the capacity of the courts to provide remedies for the rights it announces. But this very question of judicial competence to provide remedies arises almost entirely from his extraordinarily expansive ideas of what those are, especially those rights requiring government's affirmative action. And the definition of those rights, he leaves no doubt, is the job of the courts.

Nowhere in this massive text does Mr. Tribe attempt to define the "sharp institutional limits" he mentions in his letter. Limits are always invoked vaguely to indicate that the courts cannot implement his program of rights all by themselves. As I said in my article, one searches in vain for an actual remedy that Mr. Tribe thinks goes too far.

Aside from these varied concerns about remedies, Mr. Tribe mentions in his treatise one other qualification concerning judicial review: the responsibility of other branches of the government to interpret the Constitution for themselves. If, for instance, the Court were to hold that a woman does not have a constitutional right to abortion, a lawmaker who thinks that the Constitution does embrace such

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ABC-TV reporter Rebecca Chase admitted that network producers, hell-bent on locating dire hunger, asked her "to scour the small towns of Mississippi to find hungry people... but I couldn't find any," she said in POLICY REVIEW. *Fred Barnes, Reader's Digest*

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a right should vote against attempts to restrict access to abortions, and a President, governor, or mayor should veto such legislation. For two reasons, I thought this qualification unworthy of notice in my essay.

First, Mr. Tribe does *not* couple it with the traditional idea of "deference," that is, that the courts should respect the decisions of the democratic branches of government about the meaning of the Constitution ("judicial restraint," he writes, "is but another form of judicial activism"). So the qualification has virtually no bearing on the role of the courts. Secondly, the record shows that Mr. Tribe himself does not take this qualification seriously. When Mayor Donald Fraser of Minneapolis was presented with a radical feminist anti-pornography ordinance, he carefully and conscientiously considered its constitutionality, deciding in the end (and I think properly) that it violated the First Amendment. By his professed principles, Mr. Tribe should have applauded the actions of the mayor, not necessarily on the substance of his decision but on the ground that he took seriously his obligation to interpret the Constitution. Instead, Mr. Tribe sent a scathing open letter to the City Council to express his "dissent and dismay," calling the veto "an abuse of the fundamental structure of our system of government" and accusing the mayor of having "usurped the judicial function."

In my essay, I charged Mr. Tribe with rewriting the Constitution. In his reply, he succeeds in giving this charge further credibility, for we can hardly expect a man who fails to abide by his own words to abide by those of the Constitution.

French Unemployment

To the Editor of Commentary:

I read Jerry Z. Muller's "Capitalism: The Wave of the Future" [December 1988] with great interest and agree with his argument, but I would like to make one correction. Mr. Muller says that by the end of 1982 unemployment in France was "where it had been when the Left came to power" in June 1981. In fact, however, when Mitterrand took office the number of unemployed was 1.7 million while a year later, in June 1982, it was 2 million and by June 1984 had reached 2.7 million out of a total work force of 23 million.

Jean-François Revel
Paris, France

The Arabs

To the Editor of Commentary:

David Pryce-Jones's "Self-Determination, Arab-Style" [January] neatly separates the reality of Arab political life from the propaganda. . . . A telltale clue to Arab attitudes about events in the Middle East is the lack of outrage on the part of Arab elites over atrocities inflicted on the masses. When, if ever, has a prominent individual in the Arab community—like Edward Said, for example—led a march or circulated a petition protesting an event like the 1982 slaughter by Hafez al-Assad of tens of thousands of Syrians in Hama? Where are the expressions of compassion from Arab elites over the killing of thousands upon thousands of Arab men, women, and children in the "war of the camps" in Lebanon? Where are the voices of Arab intellectuals and Muslim religious leaders bemoaning the death of thousands of children used as fodder during the Iran-Iraq war? Has any Arab notable spoken out protesting the appalling waste of lives and wealth during that war?

How is it that Arab intellectuals do not support or admire those few dissidents who have taken courageous moral stands? How is it that there is no equivalent of a Martin Luther King, Jr. anywhere in the Arab world, a figure who speaks out for the oppressed and dares to stand up against the ruling Arab elites?

Until there is a body of leaders in the Arab world able and willing to take a stand in behalf of fellow Arabs . . . it would be foolhardy to accept Arab pretensions to progressiveness at face value.

Marvin Maurer
Monmouth College
West Long Branch, New Jersey

To the Editor of Commentary:

. . . The West cannot understand that when the Palestinian National Charter calls for the destruction of Israel, that is precisely what the PLO wants, though the organization is smart enough to mask its intent in the honorable rhetoric of self-determination and democracy. Thus, to the Western media, Yasir Arafat is a man of peace who struggles against the extremists in his organization. As David Pryce-Jones maintains in his conclusion, the unwillingness of the West to take the Arabs at their word is indeed patronizing. Unfortunately, the sort of colonial mind-set he describes is worse than racism; for Israel it is downright dangerous.

David Gerstman
Baltimore, Maryland

To the Editor of Commentary:

The article by David Pryce-Jones was definitely timely, appearing at a moment in history when the world seems to be taken in by Arab rhetoric. . . . The article reminds us that all talk of a democratic secular state is as unlikely in the case of the PLO as it is elsewhere in the Arab world. None of the 22 or so Arab states today practices democracy, and neither will the Palestinians, once they have gained independence. Elections will never be heard of again, women will no longer have any rights, and there will be no religious toleration.

The situation in the town of El Arish, ceded to Israel by Egypt in 1978, offers an instructive example. An Israeli Arab who has cousins living there told me that his relatives complain bitterly because—after more than ten years of so-called "self-determination"—the Egyptians allow the Palestinians no autonomy, nor any of the economic benefits they had under the Israelis. Moreover, they allow no foreigners or journalists into El Arish. . . .

In view of all this, the obvious question is why Israel should be asked to make sacrifices of the most mortal kind to accommodate plans for self-determination which are not genuinely put into practice by the Arabs themselves.

Fred Lehmann
New York City

Affirmative Action

To the Editor of Commentary:

In "Racial Preference in Court (Again)" [January] Terry Eastland gives a good description of the ominous trend toward a nationwide system of racial discrimination that is now being fostered by the Supreme Court under the name of "affirmative action." If anything, the situation may be worse than he says. In the 1987 *Johnson* v. *Transportation Agency* case, Justice Brennan wrote that it is perfectly acceptable to "trammel the rights"

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of individuals—for the sake of a more "equal" society—as long as those rights are not trammeled "unnecessarily." The Court, of course, and no one else, gets to decide the extent of the "trammeling" and how long it is "necessary" to keep it up. . . .

Until the *Johnson* case, the Court had not dared openly to repudiate the protection of individual rights (except in wartime emergency) since the 1858 *Dred Scott* decision. In that infamous case, Justice Taney declared that the black man has no rights that the white man is bound to respect. . . .

Both the American Revolution and the Civil War were fought in order to replace the old institutions of caste and class with a system under which individuals would be treated as equals, in accordance with "the content of their character," not "the color of their skin." Unfortunately, we are now losing the ideal of a colorblind law and government because our leading intellectuals, conservative as well as liberal, no longer adhere to the natural-rights principles of the Declaration of Independence and of Abraham Lincoln. All that is finest in the American tradition of race relations stems from our fidelity to *equal* rights. Without the equality principle we will continue our current slide into officially sanctioned racism.

THOMAS G. WEST
Heritage Foundation
Washington, D.C.

TO THE EDITOR OF COMMENTARY:

. . . The real reason the courts have come to play so influential a role in civil-rights issues is that the last thing professional Congressmen-for-life want to do is to vote on controversial matters. They have consistently dodged the civil-rights issue just as they dodged taking a stand on Vietnam despite the Constitution's clear mandate that it is Congress that shall declare war. As long as elected representatives shirk their responsibility, the civil-rights issue will be fought out in the courts, just as it has been during both Democratic and Republican administrations.

More to the point . . . is the fact that nothing the courts or Congress can do would help minorities as much as they could help themselves in the good old-fashioned way: by doing their job more efficiently than the competition. Government quotas will only exacerbate the racial problem by artificially supporting the wrong minority businesses at the expense of other, better-run minority businesses and the public at large.

JERRY SPECTOR
Clayton, Missouri

TERRY EASTLAND writes:

Regarding the points raised by Thomas G. West, I focused on the Supreme Court's constitutional cases starting with *Bakke*. That is why I did not treat *Johnson*, which addressed the legality of racial quotas under federal civil-rights law. But I quite agree that the trend in the statutory area is bad, and that *Johnson* in particular was a terrible decision. The rights of individuals are indeed at stake, and Mr. West is right to insist (as I have done on many occasions) that we as a nation must adhere to the principle of equal rights for all embodied in the Declaration of Independence.

I of course agree with Jerry Spector that government quotas "exacerbate the racial problem," as he puts it, and I think it condescending to suggest, as quotas do, that those "benefited" by them—members of racial and ethnic minorities—cannot otherwise compete.

Since my article was published, a decision was handed down in the *Croson* case. While the Court did not go as far as I argued it should in outlawing racial preferences, at least five members of the Court did agree that the standard of strict scrutiny should be used in considering the constitutionality of racial preferences. This is a step in the right direction toward colorblind law.

Postmodernism

TO THE EDITOR OF COMMENTARY:

James Gardner's "Postmodernist Blues" [January] describes the current art scene with startling clarity and understanding. His observation that the general acceptance of postmodernism today is a miracle of marketing strikes me as right on the mark. It is particularly so in the field of architecture which, unlike many of the other arts, absolutely requires a patron before it can exist. That these patrons are often major organizations or institutions attests to the persuasiveness of those who are selling the idea. . . .

A few years hence, postmodernism may very well be relegated to the status of a dead letter. It may

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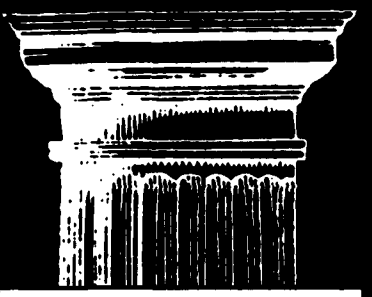

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be to architecture what tail fins were to the automotive industry—an aberration that had to be experienced in all its triteness to clear the way for more mature creativity later on. . . .

WILLIAM N. BONHAM
Greenwich, Connecticut

TO THE EDITOR OF COMMENTARY:

James Gardner's intelligent essay is more notable for the questions it raises than those it resolves. For example, he is prone to define modernism as artistic, and postmodernism as kitschy (or something very like it). Thus, when he mildly approves of anything postmodern, such as Philip Johnson's AT&T building, it is because of its modernist residue. . . .

One can glean from Mr. Gardner's use of pejorative terms such as "unlovely" and "cold" that aesthetic validity is partly established by discriminating between what is appealing and what is unappealing. Yet such a criterion is surely problematic. . . . A work like Kafka's "Metamorphosis," for example, is in the most obvious sense not just unappealing but repellent, yet it is a very great story. More to the point, it is precisely the burden of the populist case against architectural modernism (as reflected in, say, Tom Wolfe's *From Bauhaus to Our House*) that its austerity and monotony make it "cold" and "unlovely."

Mr. Gardner takes for granted that terms such as "moral seriousness," "purity," and "timelessness" separate the merely appealing . . . from the aesthetically valid, but all these terms are problematic. Since art is after all a historical enterprise, it seems peculiar to import the notion of timelessness into it, . . . and rather suggests a sort of Platonic transcendence. Equally odd is the use of the word "pure" in this context. Are we to understand that Bach and Beethoven adulterated the purity of their works by generous thematic borrowings from preexistent popular hymns? Is opera an impure, hybrid artistic form because it unites music and drama? Did the extensive collaboration of Picasso and Braque render their Cubist works impure? So hazy is Mr. Gardner's use of the word that I can only think he means it, once more, to suggest spirituality. . . . Finally, it seems strange for Mr. Gardner to harp on the question of "moral seriousness" even after he (correctly) identifies "the built-in program of modernism . . . [as] the ever greater ascendancy of form over content." The main point of modernism, let us recall, is that art should be taken seriously as an autonomous activity, requiring no extraneous justifications. . . . The overriding theme of what Mr. Gardner describes as the "complex of radical and bohemian attitudes" characteristic of modernism is that the artist is not an obedient member of society or the Church . . . but an independent craftsman . . . freed from subservience to earlier forms of patronage.

In short, what is peculiar about modernism is that, taken as a whole, it is *not* morally serious, but rather, by earlier standards, appallingly irresponsible. What it is serious about is art. I am inclined to agree with Mr. Gardner when he criticizes certain postmodernist tendencies as artistic travesties. . . . But to the extent that he seems to be criticizing postmodernism for failing to aspire to spiritual dignity, or not promulgating higher social values, I am afraid that he is cutting against the modernist grain as well. . . .

Only time will tell which of the so-called postmodernist artists achieved something durable, and which were overvalued due to temporary and local circumstances. But surely Mr. Gardner would agree to give due weight to his observation that "the [abstracting] momentum of modernism required it to go still further, but there was no place further to go." In such a desperate circumstance, perhaps the retrenchment and eclecticism of postmodernism are necessary and healthy. In any case, they are certainly understandable, and should be viewed more charitably than Mr. Gardner has done.

MICHAEL DAVID BLUME
Annapolis, Maryland

JAMES GARDNER writes:

Though I agree with the thrust of William N. Bonham's letter, I would remind him that when I spoke of a "miracle of marketing," I was not referring to architects selling their clients on postmodernism, though that *is* miraculous, but rather to that largely suppositious dichotomy between modernism and postmodernism, which both sides of the debate seem to insist on with a suspicious vehemence.

With regard to Michael David Blume's letter, I find it difficult to believe that he read my article with any degree of thoroughness. He has understood me far too quickly (by, perhaps, the second sentence). Instantaneously, indeed reflexively, he has associated me with a hard-line position from which I struggled for several thousand words to distinguish myself. When I offered definitions of modernism and postmodernism in the first few paragraphs, I did not suggest that I agreed with these definitions (from which I subsequently took pains to distance myself) but rather that these were the terms in which the principal combatants chose to define themselves. Never did I "harp on the question of 'moral seriousness' " and not even in my sleep would I talk such rot about "timelessness" and "Platonic transcendence," though I recognize that some earlier modernists did use such terms and many of their champions continue to do so today. As for the popular case against modernism, reflected by Tom Wolfe, which finds much modern architecture "cold" and "unlovely," I get the impression from rereading my article that I largely supported that view. Mr. Blume appears to have misunderstood me almost deliberately when he chastises me for the use of the word "pure," which, to the best of my recollection, I never used except in summarizing the position of many modernists.

All this talk about high seriousness has nothing to do with me, and I wonder through what kind of creative misreading Mr. Blume could ever have attributed it to me. All that concerns me is the distinction between artistic competence and artistic incompetence. All excellence is seriousness, but not all seriousness is excellence: most of it is mediocrity, and much of it is something worse. It is all a question of what is done well and what is done badly. Anyone who cannot see the qualitative distinction between Picasso and Schnabel, between Gauguin and Salle, between Raphael and Mariani, must be politely (or impolitely) left to his own devices.

Israeli Writers

TO THE EDITOR OF COMMENTARY:

I very much enjoyed Ruth R. Wisse's article, "Jewish Guilt and Israeli Writers" [January]. Over the

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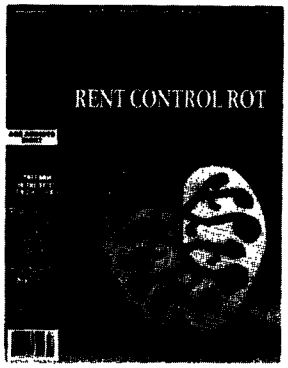

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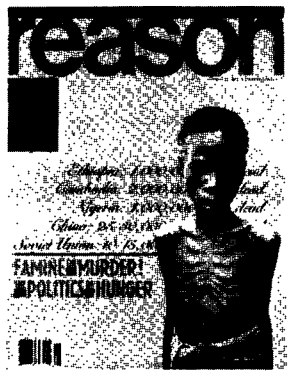

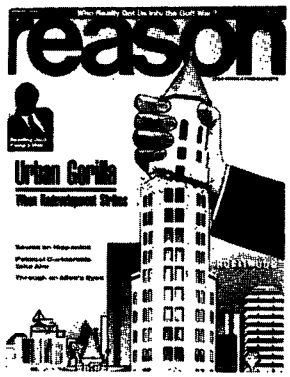

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past decade, the American media have been inundated by hand-wringing, *mea culpas*, accusations, and downright animosity directed at Israel by Israeli writers. Many sympathizers of Israel exposed to all this have no doubt felt themselves at a loss. After all, these are the views of the self-declared representatives of the kinder, gentler Israel of conscience.

The truth is that Israeli literati are by and large afflicted by the same hubris, naiveté, and detachment from ugly realities that are so characteristic of their cousins throughout the democratic world. Most (but clearly not all) seem convinced that their own claims to superior "sensitivity" confer upon them unique expertise for resolving political and strategic problems and for redressing economic and social problems. All who refuse to acknowledge this superiority in their view are moral Neanderthals.

The Israeli writers at the Berkeley conference described by Mrs. Wisse (and some were "writers" only if the term is to include journalists as well) are no more representative of Israeli public opinion than, say, Norman Mailer, Gore Vidal, or Anthony Lewis would be of American opinion. Some Israeli writers, like some of their overseas colleagues, just do not like their country, their people, themselves.

There is, of course, great irony at play here. In recent years many Israeli writers have devoted themselves to bewailing the plight of Arab "victims" of Israel, pushing other issues even including the Holocaust to the back. Apparently this reflects their view that the Middle East conflict is quintessentially about injustice inflicted upon Arabs by Jews, whereas the overwhelming majority of Israeli non-writers see the opposite as true. . . .

Note that not a single Arab writer has committed to paper an expression of empathy for or depiction of Jewish suffering, including that during World War II. Anti-Semitic diatribes are another matter. . . .

Israeli writers have regularly conducted "private peace negotiations" in meetings with Arab writers in and outside of Israel. These invariably produce "peace proposals" indistinguishable from the PLO position. After one such meeting three years back, one well-known Israeli novelist emerged in a tantrum. Having just denounced at length the "crimes" of the Israeli government, he was enraged to find that not a single Arab writer would match *quid* for his *quo* and criticize the PLO murder of children and other civilians. Yet I have never met a single Israeli non-writer who was surprised by this refusal.

STEVEN E. PLAUT
Haifa University
Haifa, Israel

TO THE EDITOR OF COMMENTARY:

Eloquent and elegant as always, Ruth R. Wisse deserves praise for her handling of the rude shocks sustained . . . at the Berkeley conference held last October on the writer and the Jewish community.

Permit me, though, to challenge the title of Mrs. Wisse's article. . . . What is so Jewish about those people anyway? . . . This was no symposium of Jewish writers but simply a symposium of writers who—with the exception of Anton Shammas—happen to be Jews. Judging by Mrs. Wisse's report, the conference seems to have been no more than an extended Two Minutes of Hate by a fairly standard group of contemporary liberals and leftists. By definition, these people identify with no religion, no ethnic group, no patria—with nothing but their own "beautiful souls," the Israeli equivalent of American "bleeding hearts." . . . There are probably more Left-liberals of this stripe per capita in Israel than anywhere else, even though that little country can ill afford them. . . .

Tragically, the contemptible need of these so-called intellectuals to set themselves above the masses (while adopting politically trendy poses in their names) only serves to encourage the Arabs in their . . . continuing attempts to weaken and divide Israelis from one another, and from the Jews of the Diaspora.

They do indeed, as Mrs. Wisse writes, constitute a mortal danger.

J. S. SORKIN
New York City

RUTH R. WISSE writes:

I would like to thank Steven E. Plaut for his interesting letter. I would also like to thank J. S. Sorkin for his support, but I cannot dismiss the writers who attended the Berkeley conference as inadequate Jews. To the contrary, I believe that Israeli Jews by virtue of being citizens of the Jewish state in such demanding years contribute more to the security, dignity, and enhancement of the Jewish people than even the staunchest Zionist outside the country. But it was very sad to see that few of the writers appreciate their achievement, and that some treat it with contempt.

"Low Anxiety"

TO THE EDITOR OF COMMENTARY:

Hats off to Joseph Epstein for his story "Low Anxiety" [January]. His witty prose turns the reader's attention to the human cost of casual immorality in an artistically edifying manner. Many thanks to the pages of COMMENTARY for yielding such gems.

ROSEANN KORSA-GRAHAM
Greenwood Lake, New York

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School of American Ballet student performance: Merrill Ashley, Gelsey Kirkland and Colleen Neary. Copyright: Martha Swope, 1967.

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A Nation Still at Risk

Chester E. Finn, Jr.

Six years ago, a blue-ribbon commission studying our education system declared us a "nation at risk." Our students were not studying the right subjects, were not working hard enough, were not learning enough. Their schools suffered from slack and uneven standards. Many of their teachers were ill-prepared. "If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today," the panel said, "we might well have viewed it as an act of war." And, it soberly warned, if the United States did not promptly set matters right, our social structure would crack, our culture erode, our economy totter, our national defenses weaken.

To be sure, panels of this sort practically always forecast dire consequences if drastic improvements are not speedily made. But the National Commission on Excellence in Education did not exaggerate. And its voice was not a lone one. An avalanche of studies and reports in the early 1980's drew the same conclusions. It was a time of searching appraisals of American education, and the verdicts were almost uniformly grim.

Nor did they go unheard. Largely thanks to the leadership of crusading "education governors," gutsy state legislators, worried business leaders, and other non-educators, we have had at least a half-decade of efforts to change the practices of the education system in the hope of strengthening its results. Many call this reform wave the "excellence movement." Actually, it is heir to the smaller "back-to-basics" movement of the late 70's, a time when, alarmed by evidence of illiterate high-school graduates, some states adopted "minimum-competency" laws and other measures designed to ensure that those getting diplomas from the public schools would possess at least rudimentary skills in the three R's.

This concern with the output of the education system has proved more durable than anyone expected, and some of the actions taken in its name have been imaginative, more than a few of them courageous. Such terms as "accountability" have gained currency. One state after another has enacted "comprehensive" education-reform legislation, adding to graduation requirements, installing a kindergarten level, shrinking the average class size, obliging teachers to take literacy exams, making students pass all manner of tests, rearranging the rules for teacher licensing, experimenting with "school site management," revamping administrative arrangements, and more.

Such changes cost money, and as a nation we have been paying generously. We have also been raising teacher salaries nearly everywhere. Though impoverished schools can be found here and there, and although occasionally a school levy is rejected, the average per-pupil expenditure in American public education this year is about $4,800, some $1,500 higher than when *A Nation at Risk* was released. Today we are spending roughly twice as much per student in real terms as in the mid-60's, and nearly three times the level of the mid-50's.

So how, it is fair to ask, are we doing? What have we to show for these sizable infusions of treasure, energy, and concern? Are we any less at risk?

In early 1988, a half-decade after the appearance of *A Nation at Risk,* President Reagan asked then-Education Secretary William J. Bennett to prepare a progress report. It was in Bennett's interest to paint as rosy a picture as possible. He was, after all, summing up developments on his and Reagan's watch. Yet here is what he reported:

> American education has made some undeniable progress in the last few years. . . . We are doing better than we were in 1983.
>
> But we are certainly not doing well enough, and we are not doing well enough fast enough. We are still at risk. The absolute level at which our improvements are taking place is unacceptably low. Too many students do not graduate from our high schools, and too many of those who do graduate have been poorly educated. Our students know too little, and their command of essential skills is too slight. . . . And the entire project of American education—at every level—remains insufficiently accountable for the result that matters most: student learning.

Chester E. Finn, Jr., who served (1985-88) as Assistant Secretary of Education, is professor of education and public policy at Vanderbilt University and director of the Educational Excellence Network.

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The long and short of it is that when gauged in terms of student learning—the only outcome that ultimately counts, all else being means to that end—the results of the excellence movement to date have been scant. The average student continues to emerge from the typical school in possession of mediocre skills and skimpy knowledge.

To be sure, as Bennett suggested, all is not entirely bleak. We are not doing badly at the bottom end. Rudimentary skills are nearly universal. Among those who remain in school and graduate, few today are wholly illiterate. The gap between white youngsters' scores and those of black and Hispanic children has narrowed. We can thus take passing satisfaction from our progress in getting "back to the basics."

Moreover, as always in the vastness of American education with its 100,000 schools, 3,400 colleges, and 58 million students, there are many fine schools and high-achieving youngsters. When the results of the Westinghouse science-talent search come out each winter, a few high schools do wonderfully well. Of the 300 semi-finalists in 1989, Virginia's Thomas Jefferson High School for Science and Technology accounted for 15; New York City schools claimed 105, mainly at the selective Bronx Science and Stuyvesant high schools.

But all this is the exception, and hardly constitutes a plateau to rest on. More typical are recent findings of the National Assessment of Educational Progress and similar barometers:

- Just 5 percent of seventeen-year-old high-school students can read well enough to understand and use information found in technical materials, literary essays, and historical documents.
- Barely 6 percent of them can solve multi-step math problems and use basic algebra. That means correctly answering questions at this level of difficulty: "Christine borrowed $850 for one year from the Friendly Finance Company. If she paid 12 percent simple interest on the loan, what was the total amount she repaid?"
- Only 7 percent are able to infer relationships and draw conclusions from detailed scientific knowledge.
- Sixty percent of eleventh-graders do not know why *The Federalist* papers were written; three-quarters cannot say when Lincoln was President; just one in five knows what "Reconstruction" was about.
- Most high-school students cannot explain what a "government budget deficit" is; two-thirds do not know what "profits" mean.
- Given a blank map of Europe and asked to identify particular countries, young American adults (ages eighteen to twenty-four) typically give the correct answer less than one time in four. Twenty-six percent spot Greece, 37 percent France, just 10 percent Yugoslavia. Asked to do the same thing with American states, fewer than half locate New York and only one in four properly labels Massachusetts.

Such examples are painfully familiar nowadays. We often encounter them in the morning papers and on the evening news. In fact, however, they are but the tip of an iceberg of ignorance. Note, too, that most of the reports from which they are drawn describe young people who have *stayed in school* and are soon to graduate, those commonly deemed to be "succeeding" in our education system. Excluded from the data is the quarter of the teenage population that drops out, slows down, or defers completion of high school.

Looking overseas for points of reference, we find even greater reason for dismay. Every year or so, we get the results of another international study. The most recent, reported by the Educational Testing Service in January, compares the performance of thirteen-year-olds in mathematics and science in six countries. In math, ours came in dead last. In science, American girls and boys were tied for last place (with Ireland and two Canadian provinces). Korea led in both subjects, and the United States was also bested in both by England, Spain, and three other Canadian provinces.

ALTHOUGH my main focus here is on the elementary and secondary schools, the implications for higher education are profound. More than half of our secondary-school graduates enter college right away (and 70 percent commence some sort of post-secondary education within six years). In the population aged twenty-five to thirty-five, the United States now boasts many more college graduates than high-school dropouts, a demographic milestone reached in the 1970's. We award more than 1.8 million additional degrees each year. The scale of our higher-education system is staggering—and unprecedented in the world. But for how many of the young people who swarm into it does "participation in post-secondary education," or even earning a degree, mean acquiring a real "higher" education? The evidence is not encouraging:

- The Southern Regional Education Board recently asked colleges and universities in its fifteen states how many of their entering freshmen were academically unready for higher education. Thirty percent of the institutions reported that this was the case with at least half their new students; on 60 percent of the campuses, remedial work was indicated for at least a third of the freshmen.
- New Jersey administers a basic-skills placement test to all students entering its state colleges and universities. In 1987, just 27 percent of them were found "proficient" in verbal skills, 31 percent in "computation," and only 15 percent in elementary algebra. Even at Rutgers, the flagship, barely half the freshmen could handle elementary algebra and nearly two in five lacked verbal skills.

One might surmise that students unprepared for college at age eighteen will not have acquired a

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full-fledged "higher" education four years later. Though hard data are scarce, such information as we have suggests that this is indeed the case. Our campuses are conferring degrees on many people whose intellectual skills are still shaky. Reports the National Center for Education Statistics, after analyzing various forms of "literacy" among young adults in 1985:

> Among the most highly educated young adults in the nation—those with a four-year college degree—one-half of white young adults and more than 8 out of 10 black young adults were unable to perform at the 350 level of the scales. Tasks characteristic of this level include stating in writing the argument made in a long newspaper column, using a bus schedule to select the bus for given departures and arrivals, and calculating a tip in a restaurant given the tip percentage and the bill.

Finally, if students entering college are inadequately prepared, so are those young Americans who head into jobs rather than through university gates at the end of their secondary schooling. Many employers report acute difficulty hiring skilled and even semiskilled workers. New York Telephone Company, for example, has grown accustomed to a 20-percent pass rate on its test for telephone operators. Motorola has found about the same proportion succeeding on its seventh-grade-level English composition and fifth-grade math tests. By some estimates, companies are spending as much as $60 billion a year on employee training, a huge fraction of this not on specialized job-related techniques but on equipping workers with essential intellectual skills and knowledge, the kind they did not get in school.

Foreign visitors to American schools are often struck favorably by the geniality and helpfulness of the students they meet. Unfortunately, affability is not a sufficient outcome of formal education. To persist on our present course is to continue producing high-school graduates who are amiable but ignorant. It is to keep turning many colleges into remedial high schools, and to continue pouring into the job market millions of young people who do not have what it takes to handle the jobs available to them. And this, of course, means continuing as a nation to fall behind our European and Asian allies, enemies, and rivals.

Why are we not getting better results? Why have so many sincere efforts at reform yielded so little? It is not for lack of concern, not for lack of national self-reproach, and not for want of money. Instead, we have been foundering on three large obstacles, and are on the verge of colliding with a fourth that is the most formidable of all.

The first of the obstacles is widespread denial. Most Americans appear to agree that the nation as a whole is experiencing some sort of educational meltdown, but simultaneously persist in believing that they and their children are doing satisfactorily. One of the questions asked by the international math and science study cited above was whether the thirteen-year-olds who took the test considered themselves "good at mathematics." The American youngsters, while trailing their agemates everywhere in terms of actual proficiency, led the pack when it came to self-regard. Sixty-eight percent answered this question affirmatively, as opposed to just 23 percent in high-scoring Korea.

American parents are reasonably content, too. Harold W. Stevenson of the University of Michigan has spent years comparing the educational performance of elementary-school students in the U.S. with that of youngsters in Taiwan, Japan, and China. The American children lag way behind the others in reading and math. But one would never known this from their mothers' attitudes and opinions. Here are some of Stevenson's findings:

> Not only did American mothers generally have the most favorable evaluations of their children, they also were the most satisfied with their child's current academic performance. . . . Mothers also were asked to evaluate the effectiveness of the schools in educating their children. American mothers were very positive: 91 percent judge the schools as doing an "excellent" or "good" job. This was more than double the percentage of Chinese mothers (42 percent) and Japanese mothers (39 percent) who chose these categories.

Professional educators contribute to the general complacency. Beginning with a generalized "t'ain't so" reaction to *A Nation at Risk,* the profession has spent a fair portion of its energy these past six years arguing that things are not really so bad—and citing data contrived to prove the point. As John J. Cannell has demonstrated, virtually every state and locality in the land that uses standardized tests (i.e., essentially all of them) has managed to find its own students "above average"—and improving. Immediately dubbed the "Lake Woebegon effect," this statistical fantasy results from shrewd test selection, from not "renorming" on a regular basis, from slipshod test security, and perhaps from a bit of plain old cheating.

When denial fails, educators sometimes resort to scapegoating. Thus, when Secretary Bennett issued his five-year appraisal in 1988, the National Education Association promptly termed it a "cover-up for the Reagan administration's failure to help improve America's schools." Ernest Boyer of the Carnegie Foundation for the Advancement of Teaching said Bennett's "divisiveness" was "really sad, if not tragic." Frank Newman of the Education Commission of the States dubbed the report a "major disservice." Gordon Ambach of the Council of Chief State School Officers sniffed

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that it was a "reheated wall chart out front of the Secretary's rehashed personal agenda." "Did he expect that there was going to be some overnight miracle or something?" fumed Hartford's school superintendent.

The public has thus been lulled for years into thinking that the schools are in pretty decent shape and getting better, if not in the country at large then certainly in their own community. This is surely why the Gallup poll annually shows people giving higher marks to their children's school than to schools-in-general. What is more, the signals parents get from their local schools nearly always indicate that their own children *are* doing satisfactorily—passing grades on their report cards, regular promotion to the next grade. Little do parents know that the standards themselves are lax, that doing well in school is not necessarily the same as learning much, and that it is an article of faith among American educators that "retaining" children is evil.

SECOND, our reform efforts to date have lacked any coherent sense of exactly what results we are seeking to achieve.

In education, as in any enterprise that strives to turn one thing into another, the normal way to begin is by describing as clearly as possible the product one proposes to create. With specifications in hand, it then becomes possible to design a system that will yield the desired result. If we are clear about the skills, knowledge, habits, and attitudes a young person should possess upon emerging from school into adulthood, practically everything else can be fitted into place: the detailed curriculum, the allocation of resources, the choice of textbooks, the requisites for teaching, the amount of time (which will surely vary) individuals must spend in order to progress through the subordinate levels that accumulate into the eventual result.

A basic failing of education-reform efforts in recent years is that they have tried to work the other way around. We have tinkered endlessly with the production system—its resources, processes, organizational arrangements, and employees—without pausing to specify the product we want to emerge at the other end. The consequence has been a lot of wasted motion.

With goals, of course, must come standards and expectations, or the goals will never be achieved. Most young people learn pretty much what they are obliged to learn by parents and teachers—and in matters academic, not a great deal more. That is why educational norms are so important, especially for disadvantaged youngsters. And that is why uncommonly demanding teachers—like Jaime Escalante, recently portrayed in the movie *Stand and Deliver* and the book *Escalante: The Best Teacher in America*—succeed.

THIRD, in the absence of clear goals, it has been easy to ignore the primordial finding both of educational research and of common sense: people tend to learn that which they study, and to learn it in rough proportion to the amount of time they spend at the task.

Obvious though this maxim sounds, we have not taken it to heart. A look at the transcripts of the high-school graduating class of 1987—the youngsters who entered high school in the autumn the nation was declared "at risk"—reveals that only 30 percent of them actually took four years of English and three years each of math, science, and social studies. And even this minimalist core was unevenly distributed, with more than half of Asian-American but fewer than a quarter of black and Hispanic youngsters toiling through it.

We know perfectly well that learning takes time and perspiration, yet in our high schools important academic subjects—history, chemistry, foreign languages—are commonly studied for just a single year, while in other countries they are part of *every* year's curriculum. Moreover, our children have shorter school days and school years than their peers in most of the rest of the industrialized world; they spend far fewer hours doing homework; and big chunks of the typical American school day and class period are given over to nonacademic pursuits, ranging from assembly programs to the time spent passing out and collecting materials.

THESE three failings are grave. Unchanged, they will keep us from making significant educational gains. Setting them right will be arduous, maybe harder than we have the stomach for. But they are not beyond our capacities to resolve. We can, if we choose, accept the fact that it is *our* children, and the school down the street, that are "at risk." We can become clear about what we desire the education system to produce, and settle upon a satisfactory minimum level of attainment. (Several states and a number of localities are already demonstrating what a core curriculum might look like, and so is the Thatcher government in England.) And we can become much more exacting about performance standards, and more generous with the amount of time and instruction devoted to meeting them.

It is no mystery what needs doing. It is, rather, a matter of the will to do it. But here we come smack up against the fourth obstacle—the one now being rolled into place by the education profession itself.

It begins with the warning, trumpeted by professional educators and their advocates in every medium at their command, that "top-down" changes of the sort urged by commissions, designed by governors, and enacted by legislatures, *cannot* yield significant gains in student learning,

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and that such moves actually worsen matters by curbing the professional discretion of teachers and turning them into tightly controlled educational mechanics. Instead, we are instructed, the way to make progress is to "empower" teachers and principals to do pretty much as they see fit, school building by school building.

Accompanying these notions is—no real surprise—a demand for still more money for education. The additional outlays are to go mainly for higher salaries and for hiring more teachers, the latter proposal often justified by the desire to reduce class size, begin school at a younger age, and provide more "services," especially for "children at risk."

It is obvious why educators should warm to this set of suggestions—collectively termed the "second reform movement" by Albert Shanker, president of the American Federation of Teachers—and why they have already become the conventional wisdom within the profession, filling the journals, the annual conventions, many union contract negotiations, and myriad faculty meetings at colleges of education. Less clear is why they have caught the eye of a number of elected officials, lay policy-makers, newspaper editorialists, and even business leaders. Perhaps these people have become disheartened by the slow pace of reform; or perhaps they are growing weary of policy combat with the professionals, and are disposed to step aside. In any event, if the new agenda is followed, it will assuredly lead to greater public expenditures on education, endless palaver, and myriad reports and studies. It will also serve to enlarge the professional education industry. But will it do any good for students? Will they actually learn more? No one has the faintest idea, though worthwhile experiments are under way in such places as Miami, San Diego, and Rochester that may eventually shed some light on this question.

Certainly, there is much to be said in principle for cutting back the stultifying central-office bureaucracies of school systems, for recognizing the individual school as the essential unit of educational activity (and accountability), for encouraging schools to distinguish themselves from one another, and for allowing families to choose those that will best serve their children. In these respects, the "second reform movement" contains ideas that ought not to be dismissed. But we dare not romanticize the capacity of the average school, turned loose on its own, rapidly to bring about marked gains in the skills and knowledge of its students. Neither is it prudent to dash off in hot pursuit of an unproven strategy until we have corrected the mistakes in our present plan of attack.

But the biggest reason we ought not to follow the advice of the education profession is that its ideas about the goals of schooling are mostly wrong.

Simply put, the underlying problem we confront as we set about to produce more knowledgeable citizens is that few of our educators have much use for knowledge. The same is true of those who prepare them for classroom teaching, and, by and large, it is also true of the intellectual elites now propounding their own notions of how to fix the schools. *This* is the condition most menacing to the hopes and prospects of school reform.

American education is dominated by the conviction that it is not really important to know anything in particular. Facts are out. What is in is exemplified by this recent episode:

A fourth grader is assigned by the teacher to write a report about the Navaho. The teacher's instructions carefully set forth the aspects of Indian life that the students are to cover, such as dress, food, housing, rituals, and transportation.

The boy seeks assistance from his mother, who sensibly begins by asking what era the report is to describe. Spanning the entire history of the Navaho people over the millennia seems a bit much for the fourth grade; to the mother, it is plain that a report will differ enormously according to whether one is looking at the 15th century, the 19th century, or last month.

The boy does not know. The teacher has not said. So mother calls teacher to inquire about this elementary but—she thinks—fundamental feature of the class assignment. What historical period does the teacher have in mind?

The teacher, it emerges, not only has no answer, she does not think the question appropriate. The report, she says, is intended to be about Indians, not about any particular time period. "We teach the process method," she explains.

This is what E.D. Hirsch, the author of last year's best-selling *Cultural Literacy,* calls "educational formalism." According to this way of viewing the learning enterprise, it is not the knowledge entering one's head but the act of thinking that matters. So long as one can analyze, it is not important what is being analyzed. Knowing how to read is important, but what one reads is not. In general, it is not the role of educators to tell youngsters what they should know. It is their solemn obligation to help them "think critically."

This emphasis on intellectual skills—"higher-order cognitive skills" is today's term of art—eases all sorts of pedagogical dilemmas. "Thinking critically" avoids the relativist's agony of having to designate "right" and "wrong" answers. It skirts those endless disputes about "canons" and about "what knowledge is of greatest value," the kind of thing that can tie up a faculty committee for months. It sidesteps the clash between supporters of a common culture and partisans of cultural pluralism (while awarding sure victory to the pluralists, since no common culture consists wholly of "reasoning skills"). It

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helps educators deal with the thorny issue of "values"—a term which, when used by the education establishment, signifies something one examines and at times "clarifies" rather than something one absorbs from elders, spiritual leaders, or teachers.

How to teach "higher-order cognitive skills" is the stuff of hundreds of education workshops and "in-service days" every month. Yet for all its trendiness, the notion is also of a piece with the long-prevailing philosophy of education schools and journals. This is the philosophy of progressive education, according to which the role of the teacher is not to dominate but to facilitate, and thinking creatively, being imaginative, and solving problems are preferable to following rules, internalizing traditions, and assimilating knowledge.

This strand of thought has wound through American education for a good part of the century, and by now has assumed the status of an orthodoxy. As one might expect, it is not without an implicit and sometimes explicit political component. Consider, for example, the enraged response of the education community to Hirsch's *Cultural Literacy,* a deeply liberal treatise which argues that disadvantaged and minority youngsters, and those from tattered families and bad neighborhoods, are ill-served by schools which fail to equip all their students with the essential background information needed for success in modern society. This work has been dismissed as elitist, as culturally hidebound, as an arid "list of facts," as the ravings of a latter-day Gradgrind, as a handbook to the game of *Trivial Pursuit,* as a plea for "rote learning," and as a harsh rejection of individual differences and ethnic diversity. Hirsch also stands accused of the crime of nationalism—as in, "He perpetuates the nation-state as the world's most fundamental political unit" (Catherine R. Stimpson, dean of the graduate school at Rutgers).

Thus do contemporary politics enter the educational debate, often clad in progressive pedagogical garb. One might have supposed facts to be ideologically inert, elements that all might agree on even while battling furiously over explanations and interpretations. But that is not true of American education today. My colleague Diane Ravitch and I have often cited with concern the astonishing finding that only a third of the eleventh-grade students surveyed for our 1987 book *What Do Our Seventeen-Year-Olds Know?* could place the Civil War in the correct half-century. Yet here is how Professor Stimpson dismisses that concern: "We would be more literate if at least two-thirds of those kids could pin the tail of time more accurately on the donkey of war." And here is former Weatherman William Ayers—a professor of, needless to say, education—on our book:

> They are not interested in teaching as an activity that empowers the young to ask their own questions and seek their own answers. They are not concerned with teaching for self-determination, teaching for invention, teaching for transformation. They are not interested in teaching as a dialectical interplay of content and experience, past and present.

The curricular effects of "teaching for invention, teaching for transformation" have not changed much over the decades. My mother, for instance, attended a progressive school on the campus of Ohio State University in the mid-1930's. Here is how she once described it in a letter:

> We had no exams, no report cards, and no training in English grammar. We were taught to "write as we feel" and to write naturally. We had no specific history classes, but a sort of hodgepodge amalgam of sociology, civics, history combined. We concentrated on different periods of history, but never did achieve a consecutive chronology of events . . . all of which left me with only a vague notion of history.

Half a century ago, there was still a price to be paid for ignorance: the college my mother wanted to attend informed her she was inadequately prepared, and would first have to go somewhere else and accumulate "some grades they could examine." Today, it is unlikely that any college in the land would signal directly that one's prior education was flawed—and even less likely that a paucity of English grammar or historical chronology would be deemed evidence of a problem grave enough to inconvenience a student displaying it.

And where English and history have led the way, mathematics and science, once regarded as the solidest parts of the school curriculum, are today not far behind. Here, too, we are now being told, there are no right answers. Here, too, the role of educators is to help students seek their own path.

In math education, among today's avant-garde the rage is for "problem solving," usually with the help of electronic calculators. "Drill and practice" are deemed archaic, and computation—those long rows of fractions to multiply and six-digit numbers to divide—is thought tiresome, hence dispensable. Nor is precision highly valued: getting the "right answer" is less important than devising a "creative" strategy for attacking the problem.

This is the view of the National Council of Teachers of Mathematics, which in March laid before the nation a whole new approach to math education. It is a view shared by the National Academy of Sciences, which has just published its own glossy tome entitled "Everybody Counts: A Report to the Nation on the Future of Mathematics Education." The panel that assembled it reads

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like a who's who of American education. Financial support came from four private foundations and five federal agencies. Here is a representative passage:

> Unfortunately, as children become socialized by school and society, they begin to view mathematics as a rigid system of externally dictated rules governed by standards of accuracy, speed, and memory. . . . A mathematics curriculum that emphasizes computation and rules is like a writing curriculum that emphasizes grammar and spelling: both put the cart before the horse. . . . Teachers . . . almost always present mathematics as an established doctrine to be learned just as it was taught. This "broadcast" metaphor for learning leads students to expect that mathematics is about right answers rather than about clear creative thinking. . . .

One wonders how many of Jaime Escalante's poor Hispanic students in East Los Angeles would pass Advanced Placement calculus if their teacher scorned "standards of accuracy, speed, and memory"—or how many middle-class adults could hope to balance their own checkbooks.

As for science, millions of dollars are now being spent in a highly publicized effort by the American Association for the Advancement of Science (AAAS) and its allies to revamp the nation's entire educational approach to the subject. The plan differs in two large ways from customary approaches. In the words of the panel:

> One difference is that boundaries between traditional subject-matter categories are softened and connections are emphasized. . . .
>
> A second difference is that the amount of detail that students are expected to retain is considerably less than in traditional science, mathematics, and technology courses. Ideas and thinking skills are emphasized at the expense of specialized vocabulary and memorized procedures. . . .

And here are some of the classroom precepts for teachers as set forth in the AAAS report: "do not separate knowing from finding out"; "deemphasize the memorization of technical vocabulary"; "use a team approach"; "reward creativity"; "encourage a spirit of healthy questioning"; "avoid dogmatism"; "promote aesthetic responses"; "emphasize group learning"; "counteract learning anxieties."

This is not advice for teaching cooking, or even sociology. Nor are these the words of an eccentric fringe. This broadside emanates from a panel cochaired by the former head of Bell Labs and the dean of undergraduate instruction of MIT, and including, besides the ubiquitous Albert Shanker, the former editor of *Scientific American* and the distinguished Harvard statistician Frederick Mosteller. The advice of this elevated group would certainly have fallen on friendly ears in my mother's progressive school of the 1930's. That it is being proffered in 1989 as a solution to our educational problems is, to say the least, remarkable—so remarkable that even the editors of the Washington *Post* were compelled to ask a simple question:

> It's all very interesting, but will it do anything to address the much-documented inability of American students to answer international test questions on which way a plant will turn in the presence of sunlight? Not a thing. . . .

Indeed, nothing we have learned about education, past or present, at home or abroad, gives us any grounds for believing that the "process method," however elegantly refined, will ever produce people who know anything. This may seem a minor defect to educators, for whom specific knowledge is an unfashionable commodity. But it is also, finally, the reason why civilian control of education remains absolutely essential. We do not allow soldiers free rein with the "shooting method," doctors with the "surgery method," or bus drivers with the "honking method." Experts have their place. They also have their interests, and their severe limitations as shapers of policy. Left to follow their own norms, professional educators and their kindred organizations and think tanks will not just preserve the legacy of progressivism, they will enshrine the "process method" in larger, and emptier, cathedrals than ever before imagined.

Most Americans, when asked, say they want their children to know more than they do, and are appalled by the prospect that the next generation will know less. Yet so long as today's professional norms and beliefs hold sway, so long as they shape what actually occurs in the classroom, that is precisely the future that awaits our children. Changing the culture of any large enterprise is far more difficult than altering the specific policies by which it operates. But that is the central task confronting us—and also, one might add, confronting the man who would be our "education President."

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Drugs and Youth

Joseph Adelson

DRUGS and youth—each, taken separately, is the occasion of illusion, and taken together, they multiply our illusions. Drugs make for illusion in two ways: they are vehicles of self-deception, providing false but gratifying visions of the self and its prospects, visions of peace, excitement, grandeur, transcendence. Such are the illusions of the user. They also induce myth-making among those observing the users of drugs—among researchers, pundits, moralists, all of whom provide information but beyond that give meaning to what we see around us.

Indeed, the drug crisis of today has its origins in yesterday's "meanings," in the many errors generated in and by the 60's. Here is Fay Weldon, on the first page of her recent novel *The Hearts and Lives of Men*:

> Back in the Sixties! What a time that was! When everyone wanted everything, and thought they could have it, and what's more had a *right* to it. Marriage, and freedom within it. Sex without babies. Revolution without poverty. Careers without selfishness. Art without effort. Knowledge without learning by rote. A dinner, in other words, and no dishes to clean up afterwards.

To which one can add, drugs without consequences: alcohol without hangovers, accidents, or cirrhosis; LSD without bad trips or flashbacks; cocaine without addiction or depression or coronary death; marijuana without anything save deepened spiritual insight. The drug illusions were provoked by that sensibility, that lurching "out of earnestness into frivolity" (Weldon again).

Illusions about the young were even more widespread than illusions about drugs, so much so that false beliefs have become more common than not, and in fact seem to be accepted more frequently by experts in mental health than by the public at large. These beliefs are of long standing and hold on stubbornly, resisting all efforts at correction. The most common error is to be found in the casual use of such terms as "youth," "the young," "adolescents," and the like. Strictly speaking there are no such entities, the young varying in age, gender, class, religion, ethnicity, intelligence, accomplishment, ambition, social and political attitudes, etc., etc. One would not want to belabor so obvious a point were it not that so much current discourse treats adolescents as though they were uniform in outlook, feeling, and condition. That tendency achieved its peak during the Vietnam years, where much was made of a (putative, fictive) generation gap, in values and politics, wherein the young were seen to stand for a higher level of moral sensibility. The tendency persists: the best current example is seen in the antinuclear movement, which speaks of the young globally, and pictures them as terrified and demoralized as they contemplate the nuclear Armageddon—presumably unlike the rest of us.

We have here, in short, an ideological portrayal of the young, wherein they represent or reflect elements of a larger social drama. These tacit depictions fall into three major groups:

1. Youth *enragé*. Probably the most common image of the young, stressing rebelliousness and opposition. Adolescence is seen as a desocializing period; the aim of the social system is to contain the impulse to disorder. In another variation, adolescent aggression is not so much inherent as provoked by the deprivations imposed by the system—poverty, restricted opportunity, inequality, and so on.

2. Youth *dégagé*. The stresses of adolescence, from within or without, lead the youngster to a profound emotional detachment. He may be indifferent, cynical, isolated, narcissistic, reclusive, anhedonic, moody, depressed. He rejects the social system, which may seek to recapture his interest and affection.

3. Youth *engagé*. The most sanguine image of the young, which emphasizes a moving toward a closer, more gratifying tie to others, and to the larger social system. Interests and affections expand beyond the family, ultimately to social institutions. In this development, the youngster does not flee the family or turn against it and its values; to the contrary, benevolent internalized "others" survive, and guide the relationship to the world.

These last are the "healthy-minded," in William James's memorable phrase describing one of

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the various modes of religious affiliation. As we will see in a moment, it is the most common pattern of adolescence (just as it is and was the most common type of religious engagement). But we would not think so in reading much of the learned commentary, which is based on the persistent though mistaken belief that adolescence is normally a period marked by psychic storms.

That view has its origins in G. Stanley Hall's emphasis on upheaval as the normative reaction to adolescence. Its current popularity derives from Anna Freud's writings on adolescents, and those of her heirs, above all Peter Blos. Their argument—their assumption, really—is that the adolescent years are normally marked by a regressive movement, a return of the repressed, wherein the ghosts of the past reemerge, in an effort to resolve the issues of early childhood once and for all. The drives lying dormant during the latency period reappear, the defenses are under strain, archaic forms of relations to others—primitive dependencies, incestuous temptations—are evoked and must be fought off. Adjustments are fragile, equilibrium hard to achieve. The youngster keeps himself afloat by extreme measures—profound withdrawals, defiant acts of independence, and the like. It is an extraordinarily trying time for adolescents themselves, and for those who must deal with them. Little wonder, then, that the period is marked by a high degree of emotional disturbance.

So runs the view of adolescence usually held by experts on the young and their troubles. A clever study by Daniel Offer and his associates has suggested how conventional a view it is, and how misleading. They asked mental-health professionals to take a personality test designed for adolescents as they imagined a typical teenager would answer it. Their simulated scores were higher (more pathological) than those achieved by genuinely disturbed teens. In short, the "normal" adolescent is imagined as more deviant than even disturbed youngsters are in reality.

That remains the dominant view, though it has begun to give way recently, as empirical findings become available and as they, ever so slowly, penetrate professional awareness. Interestingly enough, the most effective critique has come not from academic psychology—which was indifferent to the issue for many years—but from researchers whose affiliations have been with clinical psychology and psychiatry. In most cases the investigator's original intention has been to support and extend the Freud-Blos theory of adolescense, and the methods have been chosen to capture pathology when present. Yet in every study, using whatever instruments—questionnaires, projective tests, interviews—the same picture emerges: genuinely disturbed youngsters constitute a minority—only about 20 percent—of the total. Although the "normals" are by no means paragons of mental health, they are able to make their way through the stresses of adolescence without serious symptoms.

Equally important is the recognition these studies provide that most youngsters maintain amiable and even admiring feelings toward their parents, that the period is not at all marked by the fear and loathing so often thought to be normative. On important questions youngsters value their parents' advice above that of their peers. They tend to choose the education, the training, the vocations their parents suggest or approve—not that American families are normally coercive in these matters. There is not now nor has there ever been a generation gap, not for most youngsters, and not on the significant issues; to the contrary, we find a substantial degree of continuity in values, politics, religious sentiments, and so on.

There is another continuity worthy of note. Much of the newer research has been longitudinal in bias, an effort being made to capture the evolution of behavior from adolescence onward. These findings tell us quite clearly that early tendencies persist into young adulthood. Disturbed teens evolve into disturbed adults—not invariably, but on the whole—and the placid adolescent will most likely become a placid adult. Studies which examine trends from childhood to adolescence also show a strong degree of continuity—for example, adolescent delinquency is prefigured by disruptive school behavior earlier in childhood. As these findings accumulate, they are eroding the earlier—tacit—assumption of *adolescent exceptionalism*, the tendency to see the teen years set off in important ways from the rest of the life cycle—more brittle, or more sensitive, or more intense, or more idealistic, or more explosive. The new look stresses the continuity through the life span, in temperament, emotional stability, intellectual talents and habits, traits of character.

That new look is in fact a revival of an older look which had become subject to a collective amnesia. We have known for some years that there are high correlations between traits of personality and temperament measured in adolescence and in late middle age. Most of the newer studies which follow samples over time report roughly similar trends, some of them of startling import, as in the recent discovery by Christopher Peterson and his colleagues that pessimism, measured by the content analyses of statements in young adulthood, is a predictor of illness and premature mortality later in life.

So we have had a "normalizing" of the theory of adolescence. The teens are not as a group significantly more disturbed; they are not in revolt against the family, or against conventional values, or against social institutions. We see an evolution of given dispositions, most of which will persist into adulthood and old age.

Yet having debunked the (now-fading) view of the young as, let us say, normally abnormal, we

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ought not to promote its Panglossian opposite. Some forms of pathology are in fact more common among the young. The acting-out disorders—crime and delinquency in particular—are associated with age (and gender) to a marked degree, and in all societies for which we have reliable records. There is a very strong relationship between antisocial behavior and high levels of illegal drug use, and though the causal directions are not entirely clear, there is little question that each intensifies the other. Disturbed behavior among the young is perhaps more troublesome than later in life, since it so often interferes with learning and the acquisition of skills. The youngster's development may be held back, or disabled, or distorted.

Moreover, the antisocial youngster consumes a large share of the community's resources, in policing, special education, and the like, and has a disproportionate effect on such institutions as the high school. And bear in mind that the 20-percent figure translates into an enormous number of individuals, literally millions, most of whom have a significant impact on others—their families, friends, teachers, and so on. For these reasons alone it makes good sense to give much of our attention to adolescent disorder, its effects, and its remediation, while not forgetting that this disorder is atypical, and not a problem characterizing "the age."

LET me offer a cautionary example, which I choose because it occurs in a very good article on drug policy—John Kaplan's essay, "Taking Drugs Seriously," in the Summer 1988 issue of the *Public Interest*. Kaplan writes skeptically about whether education will do much to reduce illegal drug usage among the young, then offers these observations:

> Young people are notoriously resistant to their elders' efforts to get them to live less risky, more forward-looking lives. Well into adolescence they tend to retain what psychiatrists refer to as "remnants of infantile omnipotence." Moreover, entirely apart from the question of risk, young people often take pleasure in things that adults tell them are bad. They are constantly told that they should avoid things (like sex or junk food) that they enjoy. At best they tend to disregard such advice—when they do not actually seek out occasions to disobey their elders' counsel. Indeed, the real mystery is how we have managed to convince significant numbers of youths in inner-city school systems . . . to avoid taking drugs, since at least in the beginning they would find drug use so enjoyable.

One ventures to say that most readers—even the sophisticated—would peruse Professor Kaplan's article without pausing to question this paragraph. Yet every one of the statements contained in it is highly dubious. As we have already seen, there is little reason to believe that "the young" are quite that resistant to their elders' importunings—if they were, we would not see so few of them now smoking cigarettes, nor would so many of them follow traditional paths in education, social life, and the like. There is even less reason to believe that they choose risky or self-destructive options for the sheer joy of disobedience. That is an idea, commonly accepted, for which there is absolutely no evidence, leaving aside horseback psychiatric opinions. Nor is there any "mystery" in the fact that significant numbers of inner-city youths do not commit themselves to the drug world—most of them are straight arrows, or trying to be; unfortunately they are just about invisible so far as public opinion is concerned.

What is even more unfortunate is that this highly arguable notion of the young leads toward mistaken policy choices. For if we believe that such opposition exists between adolescents and their parents, we will avoid efforts at drug dissuasion which involve the parents. Indeed, if we believe youngsters are defiant of authority almost as a matter of principle, we will eschew most efforts at education.

THIS may be the moment to raise the question: why do these illusions continue to maintain their grip? The short answer is that they persist in the absence of better knowledge; at the same time, they work against acquiring that knowledge. It is not generally recognized—even in the profession, even among developmental psychologists—how little we actually know about fairly fundamental matters. Basic empirical data are so meager that "knowledge" is made up of some scattered information, some theory, some clinical observations, some tacit assumptions, some wishful thinking, and no doubt some old wives' tales as well.

Curiously enough, that thinness is especially evident in our grasp of the basics—for example, the psychological processes in the ordinary middle-class family. On the other hand, we are flooded with information—a great deal of it dubious, to be sure—about topics which capture the collective imagination, eating disorders being the great recent example. It would not be at all difficult to compile a bibliography of several hundred items on the family dynamics of anorexia or bulimia, all published within the last decade; yet one could gather only a handful on the ordinary family. That disproportion has its effects—among other things, we generalize from the known to the unknown, hence tending to see anorexic or bulimic family dynamics as a more extreme instance of the norm. There is now an entire genre of ideological writings on the eating disorders, based on very limited or anecdotal evidence but claiming representative significance: as one book's subtitle has it, "The Anorectic Struggle as a Metaphor for

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the Age." Such intoxicating illusions flourish in the absence of genuine knowledge.

Another important source of illusion is that the phenomena we want to study may change, sometimes rapidly, without our being aware of it. That lag in recognition has been especially evident regarding adolescent pathologies. These grew sharply from the early 1960's to about 1980. During that time there were phenomenal increases among adolescents and young adults in almost every index of disturbance for which we keep records—increases of two to four times in the rates for suicide, homicide, out-of-wedlock pregnancy, and various measures of delinquency. For those conditions for which we do not have reliable statistics over the same period of time—e.g., substance use and abuse, eating disorders, borderline and other severe disorders—there was probably an equivalent rise.

Yet in no case—except perhaps for drug use, which received media attention early on, much of it glamorizing—was that rise apparent to professional observers or to the public at large. Adolescent suicide did not become a matter of urgent concern until a few years ago, after the rate had begun to stabilize. Among most clinicians the resurgence of anorexia and bulimia, now common knowledge, was simply not evident until it had reached epidemic proportions among students in elite colleges. The steep decline in SAT scores did not come to public attention until the numbers had nearly reached bottom. Indeed, those working for educational reform in the mid- to late 1970's will recall the incredulousness with which their efforts were then received, it being the wisdom of the time that the American young were the brightest in the nation's history.

It is quite possible that these steep increases and decreases are a historical anomaly, a result of generational crowding, as some economic demographers have argued. Or it may be that we have been in a historical era inducing rapid change throughout the social system, hence psychological changes in vulnerable populations. Time will tell; at least, time *may* tell. What we have to keep in mind is that writing in adolescent psychology and sociology has on the whole been insensitive to the effects of recent historical change. We do not like moving targets, and prefer to pretend that they are not moving, or that their movement is of little moment. That, however, is an optimistic assumption.

In short we know very little about adolescence, and much of what we think we know is false, incomplete, or out of date. Thus the young readily serve to reflect any image we want to project or to voice any program we hope to promote. "What are the young trying to tell us?" When we hear that grandiloquent question we suspect, rightly, that the speaker already knows the answer, and in preparing to speak for the young he has at hand a doctrine he plans to impose, on all of us but especially upon them.

At the outset of the 1960's the self-deputed tribunes of youth were offering what Edward Shils has termed "the antinomian temptation":

> The highest ideal of antinomianism is a life of complete self-determination, free of the burden of tradition and conventions, free of the constraints imposed by institutional rules and laws and of the stipulations of authority operating within the setting of institutions. . . . All human beings . . . are entitled to whatever any individual is entitled to. All human beings are entitled to be gratified as the promptings of the self require it.

Though Shils was here addressing radical politics, his observations can be applied *pari passu* to other issues of the time, particularly to the psychoactive drugs, which were to be both the exemplar and instrument of total entitlement.

No one will want to argue that the antinomian outlook "caused" the drug epidemic; but there is little question that it rationalized its early stages and beyond that helped undo the immune system which had kept drugs—and much else—at bay. Nor did it limit itself to politics and drugs; it affected almost all realms of public life. Here is a quotation from a paper on education written ten years ago:

> Among the values of traditionalism are merit, accomplishment, competition, and success; self-restraint, self-discipline, and the postponement of gratification; the stability of the family; and a belief in certain moral universals. The modernist ethos scorns the pursuit of success; is egalitarian and redistributionist in emphasis; tolerates or encourages sensual gratification; values self-expression as against self-restraint; accepts alternative or deviant forms of the family; and emphasizes ethical relativism.

That paragraph was written by me in an effort to explain the deterioration of American schooling. A new progressivism in American education had begun at about the same time as the change in sensibility—antinomian, modernist—which helped usher in the early phases of "enlightened" drug use; and the two were coincident not merely in time but philosophically as well. The doctrines justifying drug use were precisely those justifying the liberation of the schools from coercive authority: that the "true self" was imprisoned by the strictures, schedulings, dress codes, homework, and the like of focused schooling, or, more diffusely, by whatever it was that chained, corrupted, degraded, destroyed the human spirit, and kept all of us from being what we were meant to be, namely, totally free of limitation, hence reaching exalted levels of achievement. Those who led the psychedelic movement believed that the hallucinogens would liberate not merely goodness and

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spiritual wisdom, but also an epiphanic creativity previously seen only among the greats.

It should be apparent that drug tolerance did not succeed fully, and that enlightened thought did not accept the antinomian credo in its entirety. Nevertheless, its essential ideas became part of elite opinion, both with respect to the schools and in relation to drugs. Those views are now in retreat, as their malevolent effects become apparent—in the case of education, by the mounting evidence of failure, as we see in the dreadful international comparisons in school achievement; and in the case of drug tolerance, by the crack crisis and the devastation of the ghetto.

Yet modernist doctrine has so thoroughly captured elite opinion that its influence has not yielded easily, not until failure has become painfully plain, and even then grudgingly. The educational-excellence movement was derided at its beginnings, characterized as reactionary, simple-minded, and so on, even after the 1983 publication and unexpected success of *A Nation at Risk*. As late as 1984, our leading university presidents were sniffing scornfully at the notion of a genuinely serious problem in the schools, and that attitude has changed little since.

We find somewhat the same history in regard to drugs—an attenuated version of the antinomian doctrine, to the effect that though some drugs may be harmful, others are tolerable—they do no harm, indeed they do good, in relieving the onerous pressures besetting the young. To oppose their use is to yield to the forces of "hysteria." Until a few years ago that position was dominant among those of advanced opinion. Norman Zinberg's *Drug, Set, and Setting* (1984) sees the drug epidemic as a "vast social experiment" against which we interfere at some risk to ourselves collectively. Opposition is termed "prohibitionist"; support is called "anti-hysterical."

While Zinberg writes as though his position is a beleaguered one, it has in fact been favored by most academics specializing in adolescence, mental health, and so on. Reading through the discussion of drug use in recent adolescent-psychology textbooks, one finds, first, that much of the time very little is said, most texts devoting little space to the topic; and, second, that the tacit editorial voice carefully avoids opposition, especially to the use of such soft drugs as marijuana. In the most recent text to come my way, the following points are made: that neither premarital sex nor drug experimentation can be eliminated; that adults must not aim at "scaring the young away from experimenting with either"; that it is anyway hopeless, since such experimentation cannot be monitored or policed; that given the "inherent pleasure and the immediate gratification" of sex and drugs, the best approach is an honest sharing of information in which the pros and cons are presented.

One wonders what the author is talking about. What are the pros of heroin use? Why should we believe that parents are powerless to influence their children? Or that adolescents are so indifferent to their parents' concern? We have here a residue of the modernist doctrine, applied to sensuality and the sumptuary ideals, which are thought to be nearly inviolate. It is that view, usually unspoken, which has until recently held sway in our ideologies of public life.

But why belabor the issue? Is it not history, done for, finished, *kaput*? Have we not turned the corner? We have indeed entered a period of good intentions and high resolve, but it is not at all certain that these will persist. What will persist is the modernist temper, though it lies low at the moment. It will sustain itself by calling attention to the certain failures of "prohibitionism." It will thereupon explain—patiently, a bit condescendingly—that we have interfered with a natural process, perhaps a vast social experiment. It will in any case mock most efforts to inhibit drug use.

One sees this even at this moment—a peak moment for anti-drug sentiment. Many of the academics I talk to about the drug problem make sure to remind me, a bit patronizingly, that "Just Say No" won't work, being too simplistic; that the problems are too deep, too complex, too rooted in an unjust social system, and so on. Some echo the views discussed above, that the drug-seeking drives are not far from inherent, being based in the pleasure principle, hence in human nature, and cannot be stamped out.

It is a curious view, since one hears it from the very people who believe fervently that other evils, some with a far longer history—e.g., ethnocentrism, religious zealotry—can be stamped out fairly easily. It is an especially curious view to hear from cosmopolitans, who should know that other industrialized countries have been able to keep themselves and their youngsters far less enslaved by drugs, and without imposing tyranny on their citizens, and that this nation was able to do so for many years, and not so long ago. Curious or not, myopic or not, the view survives, in suspended animation perhaps, but easily revived.

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The Deal in Central America

Elliott Abrams

IT HAS been a very long time since an important fight for democracy took place in a familiar, even heroic setting such as the channel coast of France. In what John F. Kennedy once called the "long twilight struggle" the locales have invariably been distant and unattractive, foreign jungles of the physical or political variety. Central America differs neither in climate nor in unfamiliarity, only in proximity. It is our own local "jungle," and we have been enwrapped now for a decade in a seemingly endless, politically divisive battle over a region that until the late 1970's was as remote from our politics as Quemoy and Matsu now are.

To be sure, the five nations of the region had previously had many, and very varied, ties to the United States. They exported everything from bananas to people—more of the latter—but they were accustomed only to fitful American attention when a crisis seemed to threaten. They were governed, as were most Latin nations, including the motherland in Spain, by military regimes more or less brutal; their economies were dominated by local elites whose attitudes were, to say the least, precapitalist. The exception was Costa Rica, democratic after 1948, its army disbanded, its economy more modern, its people regretful about their unfortunate location on the isthmus between Nicaragua and Panama.

This "backwater" came to America's attention again in the late 1970's, when violence increased greatly in El Salvador, Nicaragua, and Guatemala. In all three cases, insurgencies brought on by real injustices were fueled and exacerbated by Cuba and the Soviet Union, and led by guerrillas from the most fanatical Leninist fringes. The context, of course, was the Soviet expansionism of the 70's, which had already extended to Angola and Afghanistan.

In Guatemala, the U.S. stood back, appalled by the bloody methods by which the local regime fought the Communist insurgency. The Guatemalan army had a simple, low-tech approach, using the most savage violence against the mostly Indian population to which the guerrillas were appealing. Despite great strains in relations with the U.S., and an arms embargo that stretched from the Carter to the Reagan administrations, the Guatemalans kept to their strategy. And it worked. After breaking the back of the insurgency, the army came around to permitting free elections; nor did it interfere when these resulted in a victory by the Center-Left Christian Democratic party. For the U.S., it was a convenient outcome: we had kept our hands clean during the "dirty war," and, with the insurgency beaten, we were now free to help Gualemala in its transition to democracy.

In Nicaragua, by contrast, the hands-off policy that had worked in Guatemala to prevent a Communist victory failed dismally, weakening the Center and permitting the small Sandinista group to seize power after Somoza had been toppled in a revolution fought in the name of democracy. The Carter administration was divided on the question of whether to take action against the Sandinista coup, but despite pleas from Nicaraguans and some Americans, the decision was finally to do nothing. As Carter's National Security Council specialist on Latin America described it: "I felt that Carter should not overthrow a government. I felt that we were in the business too long and it was time to get out of that business, regardless of what the circumstances were."

Rather than trying to force the Sandinistas out, then, the Carter administration tried to bribe them into better behavior. Thus the U.S. became Sandinista Nicaragua's largest foreign-aid donor in 1979 and 1980. But money failed, too, and by January 1981, his last month in office, Jimmy Carter faced facts. The Sandinistas were unquestionably fueling the increasingly dangerous Communist insurgency in El Salvador, and he could not get them to stop. At the same time, the U.S. arms embargo against El Salvador, which had been instituted in response to human-rights violations by the ruling junta, was weakening the Salvadoran army, and the call of the Communist guerrillas there for a "final offensive" showed their intentions clearly: to take power, as their allies in Nicaragua had done eighteen months before. In his last weeks as President, Carter, reversing his Central America policy, suspended all U.S. economic aid to Nicaragua, and reinstituted arms shipments to the government of El Sal-

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vador despite his distaste for the Salvadoran political structure and the military's human-rights record.

ENTER Ronald Reagan, with the task of preventing a repetition in El Salvador of what had happened in Nicaragua. The Reagan strategy was far from inevitable, and certainly was not the one predicted by his enemies on the Left or his friends on the Right. To avoid a "Guatemalan solution" in El Salvador or anywhere else, Reagan made the establishment of democratic institutions the centerpiece of his Central America policy. In El Salvador, in Guatemala, and in relatively peaceful Honduras, it became U.S. policy to push for transitions, via free elections, to democratic governments; and furthermore to encourage those countries to improve their judicial systems, reduce military violence, expand freedom of the press—in short, to build not only democratic governments but democratic societies as well.

This was the tacit agreement: the U.S. would protect Central America from Communism by bottling up and ultimately toppling the Sandinista regime if the Right—civilian and military—would throw its support to a process of democratization, which we for our part would help in every possible way.

Not everyone was automatically or immediately willing to accept this deal. The local militaries were suspicious, the local right-wing parties were hostile, and American conservatives were dubious. For each, the administration had an answer.

For American conservatives there was an appeal to principle: the goal was not to support one or another political party, but the democratic process itself. If non-Communist leftists like the Christian Democrats entered, and won, elections, so be it; parties of the Right, too, would have an equal chance to do the same.

For those Central American parties and their supporters in the military, there was a different offer. They well knew the peril they faced now that Nicaragua was Communist-ruled and actively engaged in subverting El Salvador and Guatemala. They also understood that ultimately, without U.S. help, the combination of Cuban and Soviet power, with a local operating base in Nicaragua, would overwhelm them. Therefore, except to some elements whose political views and conduct owed more to the Spanish Inquisition than to Locke, accepting a process of democratization did not seem too high a price to pay for large amounts of aid that would modernize their armies, sustain their economies, and eliminate the Communist challenge from Nicaragua.

The case of El Salvador was the purest model of this tacit deal, which for years guided both American policy and Salvadoran attitudes. The economic aid poured in, in the billions; the Salvadoran military grew from a small, primitive army into a modern, well-trained and -equipped 45,000-man force; and the society moved more and more toward open, competitive politics. The notorious death-squad killings declined from 800 a month when Reagan entered office to under 5 percent of that number by the mid-1980's. One free election after another was held, in the course of which the AFL-CIO, employing AID funds made available for this purpose, waged vigorous "voter-education" campaigns benefiting the democratic Left. And the Democratic majority leader in the House, Jim Wright, voicing his own support for U.S. strategy, forged with Ronald Reagan an extraordinary bipartisan foreign policy for El Salvador. With the election in 1984 of José Napoleón Duarte, an honest, attractive, English-speaking progressive, as president, and a weakened insurgency, exiles who had left as recently as five years earlier returned to find a political debate far wider and more open than they had anticipated; indeed, where in the Third World was such a panoply of choices available? Given the centuries of dictatorship in El Salvador's history, the progress toward a free political system in the 1980's was startling.

AS FOR the battle against Communism in Nicaragua, the Reagan administration, after a false start or two, had begun fulfilling its promise. The Sandinista leader Daniel Ortega was by now presiding not over the ragtag band of 5,000 guerrillas from 1979 but rather a Soviet-built army of 75,000 and a militia of equal size, armed with hundreds of tanks, helicopter gunships, armored-personnel carriers, and other modern weapons. Nicaragua's importance as a base of subversion in the region was also growing. Moreover, there was incontrovertible evidence, more each month, that the predictable brutalities of a consolidating Communist regime were being practiced internally: violence, repression, shutting of newspapers, assaults on the Church, and indeed murder.

In the meantime, however, armed resistance to this regime was growing as well. The so-called *contras,* who had originally consisted of a small number of anti-Communists largely led by former officers of Somoza's National Guard, had matured into a broad-based popular force determined to reclaim the revolution against Somoza that had been stolen by the Sandinistas. Moreover, the U.S. had done its best to ensure that the civilian leadership of the *contras* would pass to those members of the exile community who were committed to the establishment of democracy in Nicaragua, and the U.S. had also worked to require fighters in the field to observe human-rights standards hitherto unknown in the annals of guerrilla warfare.

By mid-1987, there were 15,000 well-equipped *contras* in the field in Nicaragua, giving the Sandinistas real trouble and moving freely

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throughout the countryside. In particular, the *contras'* American Redeye missiles rendered the Sandinistas' Soviet-made helicopter gunships marginal to the struggle. Contrary to the claims of congressional liberals, the Sandinistas were very well aware of the wide support for the *contras* among the populace, and of the threat they constituted to the survival of the Communist regime.

It was at this promising point—when Communism was under effective assault in Nicaragua, and democracy was being built in the neighboring countries—that the Iran-*contra* affair erupted.

Thanks to the ensuing scandal, the liberal opponents of Reagan's strategy of backing guerrilla wars against Communism were given a new, unexpected chance to teach once again their version of the "lessons of Vietnam": that a policy of anti-Communism leads to crises, scandals, adventurism, and even threatens the very integrity of our political system. But instead of combining the admission of serious mistakes with a tough defense of itself and with a frank explanation to the American people of the aims of its Central American strategy, the Reagan administration spun into a panic. High officials were thrown overboard. Two separate investigations into official misconduct (one by the Tower Commission and one by Congress) were launched, and just as quickly overshadowed, as the President, appointing an "independent counsel" before either of these investigations had been concluded, permitted the issue to become one of criminality.

Until now, congressional votes on *contra* aid had always been won or lost by very slim margins. Even Reagan's most important victory, the $100 million in military aid that had been authorized in the fall of 1986, had been wrung out of the Congress by a handful of votes. Now, as a result of the scandal, the tenuous majority that had backed *contra* aid was gone. Nevertheless Central America was still there, and the administration felt duty-bound to try to maintain its policy somehow.

In this weakened condition, the White House entered into negotiations in July 1987 with its former ally Jim Wright, now the Speaker of the House, a Texas Democrat with a pro-*contra* constituency. The product of these negotiations was the Wright-Reagan plan, under which Ronald Reagan agreed for the first time to link *contra* aid to Sandinista promises of reform, rather than to the *contras'* real battlefield needs.

It is hard to blame Central American leaders too much for the panic which characterized their initial reaction to this plan. They represented small, weak nations whose internal peace and stability could be upset in a weekend by Castro or Ortega. And if they sat and faced the future much surer about Castro's intentions and Ortega's than about our own, then their panic was not unfounded.

But the particular form of panic to which they succumbed was a disastrous one. For in a single day, the four Central American democratic leaders swept away the foundations of the policy which had been sustaining them, and presented to Daniel Ortega a very great gift. This they did at a summit meeting in Esquipulas, Guatemala, when they adopted the "peace plan" set forth by President Oscar Arias of Costa Rica, under which the *contras* would be disarmed and disbanded in exchange for Ortega's paper pledges of Jeffersonian democracy.

Now the road to democracy no longer required *contras* to eliminate Communists, but instead required agreements with Communists to eliminate the *contras*. Not even Iran-*contra* was so serious a blow to the Reagan administration's Central America policy as this.

There were many forces at work in Esquipulas. Both President Duarte of El Salvador and President Cerezo of Guatemala faced Communist guerrilla movements, and though neither man was gullible enough to trust Sandinista promises for the long term, they both supported the Arias plan because in a fit of "moral equivalence" it called on all guerrilla groups (the Communists fighting democratic governments as well as the *contras* fighting Nicaragua's Communist government) to lay down their arms. Perhaps, too, they believed that such an agreement might bring them further popularity among vocally anti-*contra* European nations, and thus more aid from that source.

So far as the Sandinistas were concerned, they understood that their new pledges of democracy were self-enforcing—meaning that they were unenforceable—while the Congress could be counted on to enforce an end to U.S. aid to the *contras*. Before and during Esquipulas their numerous private conversations with American legislators had given them great confidence in that prospect.

And as for the author of the plan himself, Oscar Arias of Costa Rica, he was essentially a pacifist, schooled in the Fabian socialism of his English university days, opposed to any group using violence to come to power. Moreover, he held the typical Costa Rican view that in the end there was little risk in anything Central Americans did, for if all else failed, the U.S. would come to their rescue.

In fact, Arias expressed this view to President Reagan in a visit to the Oval Office in September 1987, just a few weeks after the adoption of his plan. He explained to Reagan that if the plan did not force the Sandinistas to democratize, it would remove their excuses for refusing to do so, thus "unmasking" them as Communists. And then what, Reagan asked, after they were unmasked? Then what would we do? Arias ducked the question twice. Asked a third time, he answered that he would invoke his moral authority and appeal

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to the Organization of American States (OAS) for "drastic sanctions" against the Sandinistas, including "collective action." And what did "collective action" via the OAS really mean? Did it include military action? Yes, he replied; what the U.S. had done in the Dominican Republic in 1965 was "collective action," and he would support it.

Itself "unmasked," then, the Arias plan was revealed as an attempt to turn the region into one large Costa Rica—proudly, defiantly unwilling to defend itself. To Duarte and Cerezo it must have seemed no worse a bet than the one they were already making. Which was more likely: that the U.S. Congress would continue funding the *contras,* and their own militaries, for several more years, or that a frustrated Reagan might strike out, finally, and solve their problem? Henceforth, instead of engaging in a long, nasty guerrilla struggle, the four democracies would confront the Sandinistas less and less ardently, would endorse exclusively diplomatic pressure on Nicaragua, would undercut the *contras'* struggle, and would back the U.S. into a corner: Washington's only alternative to direct military action against the Sandinistas would be to acquiesce in their victory.

As these events unfolded, weakening the American strategy for fighting Communism by helping those threatened by or already living under it, the U.S. commitment to upholding democracy also seemed to fade. In March 1988, El Salvador held a free legislative election. The right-wing party, Arena (now with a broadened base and a new leader, Alfredo Cristiani, who had no connection to the death-squad killings of which his predecessor, Roberto d'Aubuisson, had been accused), beat the Christian Democrats behind Duarte. It was obvious that if Arena could win the parliamentary elections, it might also win the next presidential race, which in fact it went on to do in March 1989 by a decisive margin. Yet, having played by the rules of the democratic process for five years, the right-wing forces in El Salvador were now hearing serious discussion in Washington of changing those rules, just as they were about to assume power. And indeed, if aid were to be cut off in response to victory in a free election by the "wrong" party, what would remain of the U.S. commitment to the democratic process in Central America?

In trying to encourage that process, Ronald Reagan had understood that he could not prevail without enlisting the support of the Right and the military, traditionally among the enemies of democracy, by persuading them that the struggle for democracy was synonymous with the fight against Communism. This he managed to do. What he could not do was to enlist the Left at home in a battle for democracy when it required taking up arms against Communism.

With both the U.S. promise to protect the region from Communism and the U.S. commitment to the democratic process turning out to be unreliable, the Right—not only in El Salvador but in Guatemala and Honduras as well—is bound to have second thoughts about its willingness to abide by that process. If the Sandinistas are permitted to consolidate their hold on Nicaragua, while continuing to back Communist insurgencies in the neighboring countries—and there are no sanctions to prevent this in the plan for humanitarian aid to the *contras* agreed upon in March between the Bush administration and Congress—the military in those countries will be increasingly tempted to take matters into their own hands, just as they did in the past. Under such circumstances, the prospects for democracy in Central America—so recently bright—will once again grow distant and dim.

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German Historians at War

Jerry Z. Muller

LAST November, the West German parliament met in special session. The occasion was the 50th anniversary of the organized pogroms of *Kristallnacht,* but it was the Holocaust as a whole, and not just one night, which was being commemorated in Bonn. Among the honored guests were the president of the Federal Republic, Richard von Weizsäcker; the chairman of the Central Board of Jews in Germany; and the ambassador of Israel. The choir of the local Bach Society sang, in Yiddish, a song of the destruction of the Cracow ghetto. A noted German actress of Jewish descent recited "Death Fugue," Paul Celan's powerful poem about the death camps.

Then Philipp Jenninger, president of the Bundestag, rose to offer the official address. Within a few moments he was being repeatedly interrupted from the floor and shortly thereafter fifty of his colleagues demonstratively left the chamber. Twenty-four hours later, Philipp Jenninger was no longer president of the Bundestag.

"Veneration of Hitler Causes Tumult in West German Parliament" was the headline in the Dutch paper *Telegraaf.* In Italy, *Il Messaggero* opined that Jenninger's talk had "reopened the historic wound between Germany and the Jewish people." The editors of the London *Daily Express* asked Chancellor Kohl, "How many more Jenningers are there in your back room? The nations who fought against the Nazis have the right to demand an answer." Stefan Heym, a prominent East German novelist, called the speech "the plea of a man whom one characterizes in literature as a devil's advocate."

Among Jews, the president of the World Jewish Congress expressed "shock." "Jenninger Defends Hitler Era," ran a headline in the Israeli daily *Maariv.* A spokesman for Prime Minister Yitzhak Shamir declared, "We hope and believe that this is a transitory episode, which does not express the view of the German people in regard to Hitler and his times." Added a spokesman for Israel's foreign ministry, "The manner in which the history and background of the Nazi era were presented in his speech cannot be accepted by any member of the Jewish people."

From New York to London to Amsterdam to Tel Aviv, the recurrent theme was, Here we go again. For four-and-a-half decades since 1945, the suspicion has never wholly vanished that behind the new, democratic Germany lurks the old National Socialism. Jenninger's speech seemed, to many, to confirm the truth of that suspicion.

But this time there was a twist. Within a few weeks of Jenninger's resignation, second thoughts were being aired. According to the liberal German historian Hans-Adolf Jacobsen, Jenninger's speech was a "substantial contribution toward an understanding of the fateful year 1938." Hildegard Hamm-Brucher, a distinguished senior parliamentarian of the liberal Free Democrats whose distraught departure from the hall had been much noted, now asserted that the speech was in fact more "helpful" than an earlier (May 1985) address on the German past by President Weizsäcker. Letters of support began to pour in, many of them from Jews. And when Jenninger's speech was finally published in its entirety, readers were favorably struck by the directness and force with which he had confronted the most discomfiting issues of the Nazi past: the systematic brutality of the Holocaust, but also the more sensitive and subtle question of the massive support enjoyed by Hitler in the years before and immediately after *Kristallnacht.*

What had Jenninger done to merit such consternation and condemnation? What motivated his colleagues to heckle him and then walk out?

THE stimulus for the *Kristallnacht* commemoration originally came not from the ruling Christian Democrats (CDU), but from the opposition Greens—a party of the ecological and pacifist Left—and the Social Democrats (SPD), who had also wanted a Jewish speaker to address the Bundestag on the occasion. Against doubts within the Christian Democratic party and the Christian Social Union (CSU), the more conservative, Bavarian wing of the CDU, to which Jenninger belongs, he had insisted that the *Kristallnacht* commemoration take place, and had also demanded that he himself—known as an advocate of German-Jewish reconciliation and as a friend of Israel—give the address.

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After the highly ritualized and emotional opening ceremonies, Jenninger's speech, which even his sympathizers agree was too long and in places overly academic, began on a note both cool and startling:

> Many of us participated yesterday at the invitation of the Central Council of Jews in Germany in the commemoration at the synagogue at Frankfurt am Main. Today, we have come together in the German Bundestag to commemorate here in parliament the pogrom of November 9 and 10, 1938. For it is not the victims, but we, in whose midst the crimes occurred, who must remember and render account, for we Germans want to achieve a clear understanding of our history and of the political lessons for our present and future. The victims—Jews around the world—know only too well what the events of November 1938 signified in terms of their later suffering. Do we know it too?

Even as he spoke these introductory sentences, Jenninger was being heckled from the floor by representatives of the Greens. Begging for order, he went on to describe the horrors and organized destruction which occurred on *Kristallnacht,* emphasizing the passivity and lack of response on the part of the German public:

> Everyone saw what happened, but most looked away and remained silent, including the churches. In retrospect it becomes clear that a revolution had taken place in Germany between 1933 and 1938, in which a state of law was tranformed into a state of lawlessness and criminality. . . . At the end of this revolution the domination of the National Socialists was decisively consolidated; the consciousness of justice had been destroyed far more radically than was evident on the surface.

By 1938, Jenninger continued, "A great majority of Germans stood behind Hitler, and identified with him and his policies." It was, indeed, the remarkable string of Hitler's foreign and domestic *successes* which were particularly fateful for Germany and for the world, since these were widely contrasted with the failures of liberal democracy during the Weimar years. As for the anti-Semitic propaganda and the measures taken against Jews in the period between Hitler's accession to power in 1933 and *Kristallnacht,* they too were accepted, because they corresponded to what so many Germans themselves believed was necessary and right.

Here Jenninger turned to the history of anti-Semitism in Germany. He noted its religious origins; its transformation in response to the coming of capitalism, liberalism, and socialism; its links with a peculiarly vehement German nationalism; and finally its emergence as racial anti-Semitism under the impress of Social Darwinist ideas:

> Here finally was a tool with which the mutterings about the Jewish world conspiracy and the eternal struggle of the races could be given a thin scientific veneer. On the one side the healthy, the strong, and useful; on the other the sick, the inferior, the harmful, the Jewish "decay," the "vermin" from whom one could be freed only by "expunging" and "extermination."

It was at this point, about one-third of the way through Jenninger's speech, that the delegation of Greens rose and demonstratively left the Bundestag. They were followed by some Social Democrats, and even a few Liberal Democrats. What those who departed missed was Jenninger's exposition of the centrality of racist anti-Semitism in Hitler's world view, and its connection with his 1941 attack against the Soviet Union. Jenninger also read from a terrible eyewitness report of a killing by the SS of Jewish men, women, and children, and followed this with Himmler's infamous address of October 1943 praising SS leaders for their exemplary behavior in carrying out the murder of the Jews—in Himmler's words, "an unwritten and never-to-be-written glorious page in our history." Jenninger:

> In the face of this millionfold destruction, we are helpless. For human suffering is not reparable, and every individual who became a victim was himself irreplaceable. There remains that which fails every attempt to explain and conceive what occurred.

Finally, Jenninger pleaded "to keep memory awake and to accept the past as part of our identity as Germans, for this alone promises the older and younger among us liberation from the burden of history."

IN EXPLAINING the reasons for their departure, some deputies later claimed that Jenninger had identified himself with the anti-Semitic characterizations in his speech. This interpretation was clearly at odds with the context in which the sentences were spoken, yet it was reflected as well in the foreign headlines, in the comments of Jenninger's critics outside the Bundestag, and in articles in Left-liberal journals.

The most widely circulated Left-of-Center daily in West Germany, the *Frankfurter Rundschau,* headlined its transcription of the speech with a quotation lifted from the text: "Hitler's March of Triumph Must Have Seemed a Wonder to the Germans." The weekly *Die Zeit,* the most prestigious platform of Left-liberalism in West Germany and, thanks to its overseas edition, the main window on German life for many foreign observers, ran an analysis by its co-editor Marion Countess Dönhoff; she too found it impossible to ascertain whether the anti-Semitic views cited by Jenninger were those of past Germans or his own. Another contributor to *Die Zeit,* Ulrich Greiner, wrote that Jenninger's speech "explains something. . . . And he who makes something understandable necessarily gives the appearance of supporting it." And the weekly newsmagazine *Der Spiegel,* which devoted a cover story to the Jen-

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ninger affair, interpreted the speech as demonstrating that the Christian Democrats had not overcome "the shadow of the past."

The continuity of the Nazi past with the Christian Democratic present: as a reading of Jenninger's speech this was absurd, but, within the context of West German political culture, hardly extraordinary. Indeed, the Jenninger affair can best be understood as a manifestation within the political arena of a frequent ploy among Left and liberal West German intellectuals: the use of the charge of apologizing for National Socialism to delegitimate more conservative opponents.

This process is apparent in the now-notorious "historians' controversy"—a controversy that in the last two years has taken on international resonance. Although the focus of that debate is supposedly limited to, in the words of the subtitle to one key collection of documents, "the uniqueness of the National Socialist annihilation of the Jews," what is at stake goes far beyond this particular issue.

A flavor of the politics involved may be gleaned from a publisher's advertisement appended to a recent book by Hans-Ulrich Wehler, a leading Left-liberal historian, entitled *Unburdening the German Past? A Polemical Essay on the "Historians' Controversy."* At the back of this book, under the heading "Let Us Not Repress the Past," the following titles are listed: *In the Warsaw Ghetto; Children of the Holocaust; Visit to Hades: Auschwitz and Breslau 1966; The Exodus of Culture: Writers, Scholars, and Artists in Emigration after 1933;* and a volume edited by Iring Fetscher, a professor at Frankfurt and a leading political theorist of the Social Democratic Left, *Neoconservatives and the "New Right": The Attack on the Welfare State and on Liberal Democracy in the United States, Western Europe, and the Federal Republic.* That a line of continuity runs from those who created the Warsaw Ghetto to more recent supposed threats to freedom—that is, a line of continuity from the Nazis to the neoconservatives—is the not-so-subtle message conveyed by the heading, "Let Us Not Repress the Past."

But who are these neoconservatives who allegedly imperil the democratic political culture of the Federal Republic?

Like its counterparts in the United States and other Western nations, West German neoconservatism developed largely in reaction to the perceived excesses of the New Left of the 1960's, and was led by intellectuals who had previously located themselves somewhere Left of Center on the political spectrum. In part, then, what we are dealing with is a familiar change in nomenclature, as values once regarded as "liberal" came to be called "conservative." But from the neoconservatives' point of view we are also dealing with a new openness toward an intellectual tradition compromised in Germany by the close collaboration of many German conservatives with the National Socialist regime and regarded as beyond the pale by much of the generation that came of age in the postwar era, as well as with the belief that the values and institutions which make a liberal-democratic society possible are in need of a principled defense to ensure their "conservation."

One milestone event on the road to German neoconservatism occurred in the early 1970's with a debate over guidelines for high-school curricula in the SPD-governed province of Hesse. At the time the Minister of Education in Hesse was Ludwig von Friedeburg, a professor of sociology at Frankfurt and a collaborator of the social theorist Jürgen Habermas, himself destined to become a central figure in the historians' controversy. A series of commissions convened under Friedeburg's auspices had developed basic principles and goals reflecting the ideals of "emancipatory education." Students were to become aware of their true interests in ending "domination," to be on the alert for ideological distortion, to recognize the conflict-laden nature of their society. Just what all this meant was vague, but it bespoke a mandate to challenge authority and to work for "emancipation"—a term bearing the connotations of "liberation." The most controversial recommendation was that the teaching of history be eliminated, and replaced by "social studies."

Opposition to the plan came first and foremost from parents, objecting to what they regarded as an attempt to mobilize the schools for systematic radicalization. Their outrage was a contributing factor in a major setback suffered by the SPD in the state elections of 1974, and led to Friedeburg's resignation. Supporting the parents were a number of intellectuals, including Hermann Lübbe and Michael Stürmer.

Hermann Lübbe is a political philosopher who in the late 1960's served in the SPD-controlled government of Germany's largest state, North Rhine-Westphalia. In 1970, returning to teaching, he became a leading critic of the New Left and its academic supporters and of government concessions to the radical student movement. Michael Stürmer, then a young professor of modern social history at a new university in Hesse, was led into his oppositional role in part through disillusionment with the new educational reforms. Both men were liberal intellectuals who had once sympathized with the SPD but had become alarmed at what they saw as the politicization of education and scholarship. The SPD, they felt, had caved in to the New Left and to what Lübbe called the "cultural revolution."

The first wave of West German neoconservatism was thus a response to the institutionalization of "emancipatory" social science in the German educational and cultural establishment. Its adherents focused in their writing on cultural questions, and on political theory. Lübbe, for example, undertook a defense of the liberal aspects of liberal democracy against the demands to replace cultural and social pluralism with enforced communitar-

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ianism and egalitarianism. For Lübbe, individual and collective identity came at least in part from identification with past traditions, without which the pace of technological and social change would leave the individual disoriented, or dependent for direction upon utopian social theories which promised to replace older moral traditions but could not.*

THE second wave of intellectual neoconservatism occurred in the early 1980's as a response to the increasing political influence of neutralist, pacifist, and nationalist currents in Germany. These burst onto the public stage in the massive demonstrations against the proposed installation of intermediate-range nuclear weapons, a policy adopted by NATO in 1979 at the urging of the Social Democratic Chancellor, Helmut Schmidt, to counter the build-up of such weapons in the Warsaw Pact.

The demonstrations were striking both for their size—the largest brought 300,000 protesters from across the country to Bonn in October 1981—and for their apocalyptic rhetoric. A generation that had come of age in the period of détente, which had not been told that the relations between East and West rested on a military balance of power, now became alarmed at the predictions of some "peace researchers" that the stationing of Pershing II and cruise missiles would quickly lead to a war in which the Germans would be the first victims. It became the fashion to promote a sense of terrified anxiety, then to call upon politicians to do something about it.

The moralism and pacifism of the opponents of missile deployment seeped deeply into an SPD that had once been dominated by the liberal, Atlanticist, and pro-NATO stance to which Schmidt, for one, still adhered. To be sure, the Social Democrats had already absorbed some of the assumptions of the New Left, and even while Schmidt governed as Chancellor his party had been turning away from the concept of security through deterrence. And meanwhile a new movement had arisen, the Greens, a motley conglomeration of anti-nuclear activists, ecologists, pacifists, and feminists, drawn from the most highly educated strata of German society.

What tied the "alternative politics" of the Greens to the New Left of the 60's—and distinguished it from the Social Democrats—was a fundamental questioning of the legitimacy of the existing institutions of the Federal Republic. The Greens were suspicious of if not hostile toward parliamentary democracy. Their preference was for "direct democracy" and extra-parliamentary action which would challenge the authority of the state to enact measures the Greens opposed—stationing missiles, building new airport runways, processing nuclear wastes. The notion that the United States posed the major threat to German security also became a widely shared and vocally articulated assumption among the Greens. Finally, it became common among peace advocates and anti-nuclear-power activists to invoke the specter of the Nazi past. If Germany was to avoid a "nuclear holocaust," the claim went, citizens must engage in *"Widerstand,"* or resistance, against the state—as their fathers had failed to do in relation to Hitler.

The peace movement, the new nationalism on the Left, and the spread of pacifist sentiment into the SPD were viewed with concern by the Federal Republic's allies, especially the French. Within Germany itself, the response came above all from two historians, Hans-Peter Schwarz and the aforementioned Michael Stürmer.

In 1985 Schwarz, a professor of contemporary history and political science in Bonn, published a short, topical book entitled *The Tamed Germans: From Power Obsession to Power Amnesia.* From the days of the Kaiser until the collapse of Hitler in 1945, he wrote, the Germans had fallen prey to an irrational fascination with power, and with a state that was oriented toward the limitless, brutal use of force. Fortunately, those who became the country's leaders after 1945 developed a realistic attitude toward power, accepting the need for it in world affairs but retaining a proper respect for international order and humanistic ideals. Now, however, public opinion was swinging to an opposite extreme. Where their ancestors had been intoxicated by power, younger Germans were more often, but no less dangerously, intoxicated by peace. They had forgotten that there was such a thing as the responsible deployment of power, without which the international order would sink into chaos, and Germany itself might forfeit its security.

THE idea that national security depends on a sober realism about the role of power in international affairs is also one of the major themes of Michael Stürmer. In the early 1980's Stürmer emerged as the most salient and *engagé* of the neoconservative intellectuals, becoming a regular contributor to the *Frankfurter Allgemeine Zeitung*, Germany's most distinguished daily, editing a series of historical works on "The Germans and Their Nation," lecturing to a wide range of nonacademic audiences, and acting as an occasional adviser to Chancellor Kohl, who subsequently appointed him director of a government-funded think-tank devoted to foreign affairs and security policy.

A writer of graceful prose in a profession bedeviled by jargon, Stürmer has made a deliberate attempt to convey to as large an audience as possible what he takes to be the lessons of German history, in the belief that "the future is won by those who coin concepts and interpret the past."

* See *Fortschritts-Reaktionen* ("Reaction to Progress"), a collection of Lübbe's recent essays which includes his own exposition of German neoconservatism, Styria Verlag, Graz, 1987.

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The main messages his work communicates are that the preservation of liberal democracy is not something to be taken for granted; that liberal democracy, although it has roots in German history, is above all a response to the calamitous experience of the Germans with totalitarian regimes of the Right and Left; that Germany's position in the center of Europe has always played a role (often disastrous) in its political options; and that, all this being so, a Swedish-style neutralism or the quest for unification with the East is a chimera.*

Not surprisingly, the hero of Stürmer's vision of German history is neither Frederick the Great nor Bismarck but Konrad Adenauer. "The most important attempt by the Germans to learn from their history," he writes, "is the Basic Constitution of the Federal Republic." The historical "consensus" which Stürmer has aimed to restore is one in which the rules of liberal democracy are accepted, in which Germany's ties (including its military ties) to the West are unequivocal, and in which the achievements of democracy in West Germany can be regarded by its citizens as the foundation of a justified patriotism.

In calling for a more positive sense of German national identity, Stürmer is not alone. On the Left, a voice like Helmut Schmidt notes that "In the long run no nation can live without a historical identity. If our German history were merely regarded as one single chain of crimes and failures, then our nation could be shaken and the future could be put at stake." And on the Right there has been a longstanding desire for a more positive evaluation of German identity.

The problem, of course, is what role the Nazi period in general and the Holocaust in particular ought to play in the Germans' view of their own past. On the right wing of the CDU/CSU a call has been raised intermittently since the 1950's to "close the books" on the Nazi past. There has also been a propensity to mitigate the suffering caused *by* Germans through reference to the suffering inflicted *upon* Germans, most recently in the attempt by some politicians on the right wing of the CDU (Alfred Dregger, for example) to lump together the deliberate and ideologically-inspired mass murder of the Jews of Europe with the deaths of German soldiers or the murder and expulsion of millions of ethnic Germans from Central and Eastern Europe after 1945.

Both of these temptations seemed to be reflected in Helmut Kohl's decision to commemorate the 40th annniversary of the end of World War II with a ceremony at the Bitburg military ceremony. While, however, President Reagan's remarks at Bitburg reiterated an old and discredited view of the Third Reich as "one man's totalitarian dictatorship," implying that the regime was somehow forced upon an unwitting populace, the writings of the German neoconservatives reflect an awareness that Hitler's dictatorship had vast support, which at least in the prewar period encompassed the majority of the German population. It is this awareness which has led them to their highly positive evaluation of the Adenauer era.

Thus, in an address on "National Socialism in Postwar German Consciousness," delivered to an international conference in Berlin in 1983 and published shortly thereafter in a leading historical journal, Lübbe attacked the notion, popular on the Left, that the Adenauer era was a "missed opportunity" to overcome the legacy of Nazism. Although direct public confrontation with the specifics of the Nazi past was limited in the immediate postwar decades, Lübbe argued that "this relative silence was the social-psychological and politically necessary medium for the transformation of our postwar populace into the citizenry of the Federal Republic of Germany." Since it was impossible to create a viable democracy which excluded a majority on account of their past, the achievement of the Adenauer years, as Lübbe saw it, was to have integrated former supporters of National Socialism into a democratic polity while National Socialism itself was entirely delegitimated. And that democratic transformation "of a people that only a few years before had in its majority cheered Hitler" did occur, thanks to the founding fathers of the Federal Republic, and especially Adenauer. It was to them that credit belonged for turning Germany definitively toward liberal democracy and toward the West—a turn which Lübbe saw as threatened by the New Left with its tendency to delegitimate liberal democracy itself by stressing the purported continuity between the Third Reich and its successor government.

ALTHOUGH Schwarz, Lübbe, and especially Stürmer were to become involved in the "historians' controversy," it was not the work of these neoconservatives that served as the immediate occasion for the controversy, but rather an article by Ernst Nolte, a historian whose recent writings have reflected some of the more pernicious bromides of the traditional German Right. In his *Germany and the Cold War,* published in 1976, Nolte had insisted that every great power had its own "Hitler age," and had tried to show the common ground between National Socialism and Zionism. Now, in an essay published in June 1986 in the *Frankfurter Allgemeine Zeitung,* and entitled "The Past That Will Not Pass Away," Nolte claimed that the preoccupation with the Holocaust served certain contemporary interests, including those of the younger German generation against its fathers, as well as "the interests of the persecuted and their descendants in a permanent, privileged status."

The notion that the memory of the Holocaust is kept alive because it is advantageous to the Jews

* The major collection of Stürmer's essays is *Dissonanzen des Fortschritts* ("The Dissonances of Progress"), Piper Verlag, Munich, 1986.

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has long been a mainstay of what Germans refer to as the *Stammtisch,* the table in the beer hall at which the common man vents his uninhibited opinions. It is a charge that can also be found in print, but in journals considered beyond the pale of intellectual and political respectability, such as the *Nationalzeitung,* a weekly available in many a kiosk in West Germany and Austria. What Nolte's piece did, then, was to transport the thoughts of the anti-democratic Right into the pages of the most important daily newspaper in West Germany.

But he also had other things to say there. A deeper historical understanding of the Third Reich, Nolte wrote, could only be achieved by putting it in its proper historical context. For one thing, with the exception of the technical process of gassing, Nolte claimed, the mass murder committed by the Nazis had been anticipated in the crimes of the Bolsheviks, which were well known to Hitler in the 1920's. ("Was not the 'Gulag Archipelago' more original than Auschwitz? Was not the 'class murder' by the Bolsheviks logically and factually prior to the 'racial murder' of the National Socialists?") For another thing, it was time, Nolte wrote, to focus on the question of whether Hitler and the Nazis may have committed mass murder because they viewed themselves as the possible *targets* of mass murder. Though one mass murder could in no sense "legitimate" another, it was wrong, said Nolte, "to look at only *one* mass murder and not take into account the other, when a causal nexus between them is probable."

Nolte was hardly the first to compare the mass murders committed by Nazi Germany with those committed by Soviet and other 20th-century regimes. Nor was this the first time he himself had sounded the theme of "others did it, too." But he was the first in some years to make an issue of such comparisons. He did so, moreover, in a way that was bound to muddy rather than to clarify, by confusing the question of historical comparability with that of historical causality.

One month later, and from the other side, Jürgen Habermas muddied the waters still further with a long response in *Die Zeit* called "Apologetic Tendencies in German Historiography." By portraying the quirky and objectionable Nolte as representative of an "apologetic" trend, and in particular by amalgamating his views to those of Michael Stürmer, Habermas saddled his neoconservative political opponents with the burden of ideas they have never held.

Thus, according to Habermas, Stürmer believes that "a pluralism of values and interests leads, when there is no longer any common ground, . . . sooner or later to a social civil war." This charge—that Stürmer seeks a "unified" version of German history and is an opponent of a pluralist society—would be repeated by almost every later commentator on the Left, including Hans-Ulrich Wehler, who would characterize Stürmer's view as "a strident declaration of war against a key element of the consensus upon which the sociopolitical life of this second republic has rested heretofore."

Yet here is what Stürmer had actually written:

> A pluralism of values and interests, when there is no longer any common ground, when it is no longer blunted by economic growth, no longer subdued by the acceptance of responsibility, leads sooner or later to social civil war, as at the end of the Weimar Republic.

And elsewhere Stürmer expanded on this conception:

> Social conflicts, competition regarding the values of our communal order, the heterogeneity of goals and the multiplicity of answers to the question of the meaning of life: all of these are a constitutive part of a pluralistic, free society. The market economy is not only its economic basis, it is also a metaphor of its political existence. But conflicts must be limited: through the legal order, through the values of the constitution, through a consensus about the past, present, and future. When conflicts do not remain within these boundaries, they shatter the communal order.

Clearly, to characterize Stürmer as an enemy of a pluralist, liberal democracy does not merely distort his words, it reverses them.

BUT Stürmer was not the only victim of Habermas's misrepresentations. As a sample of the new view which he charged neoconservatives like Stürmer with promoting, Habermas also cited a recent work by Andreas Hillgruber entitled *Two Types of Decline: The Destruction of the German Reich and the End of European Jewry.*

Hillgruber, perhaps the most distinguished German diplomatic historian of his generation, is best known for his attempt to document and reconstruct the direction and timing of Hitler's expansionist policy, and is the first scholar to have tried to explain the link between Hitler's attack on the Soviet Union and the decision to murder the Jews of Europe. The book cited by Habermas is made up of a long essay on "The Collapse of the German East in 1944-45 as a Problem in German and European History" and a shorter piece on "The Historical Position of the Murder of the Jews," the latter originating as a closing address to a conference of Israeli and West German historians devoted to the "The Murder of the Jews in the Second World War."

The former essay is, for the most part, an attempt to summarize recent research on the wartime diplomacy that led to the transfer of East Prussia to Poland, and to place the expulsion of the Germans from East Prussia, where Hillgruber was born, in its broader historical context. Though Hillgruber is now reconciled to the new borders in the East, his essay laments the destruc-

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tion of Germany as an independent power and the forced expulsion of ethnic Germans from what is now Poland and the Soviet Union. In addition to causing much suffering—including to Hillgruber's own family—the events turned Central Europe into a battleground between the two superpowers, at the same time that continued Soviet hegemony over the region ensured that it would look eastward rather than westward, "a tragedy for all of Europe."

Toward the beginning of this essay, Hillgruber quotes a statement by a politician on the left wing of the CDU to the effect that every day the German army held the Eastern front in 1944 enabled the concentration and extermination camps to continue their work. Hillgruber does not take issue with the truth of the statement, but objects that it fails to account for the subjective intentions of those German soldiers who fought the Red Army as it moved into East Prussia. Included among them were German officers who had been opposed to Hitler's expansionist plans but now found themselves defending the German East from an expected "revenge by the Red Army against the German population for all the crimes that had been committed by one or another German force. . . ." On this point, Hillgruber says, he identifies with the German army.

Habermas, rightly, protested the arbitrariness of this identification with the Germans of East Prussia rather than with the inmates of the concentration camps whose survival depended on the forward movement of the Red Army. But Habermas went further—much further. Quoting Hillgruber's statement that Hitler sought the physical extermination of all Jews "because only through such a 'racial revolution' could he secure the 'world-power status' for which he strove," Habermas claimed that the word "could" in this sentence makes it unclear whether or not Hillgruber shares Hitler's perspective. Here was an insinuation that would recur two years later, when Philipp Jenninger would similarly be accused of holding views he was only describing.

Habermas clinched his attack on what he called the "new revisionism" by taking on Nolte's essay in the *Frankfurter Allgemeine Zeitung*, as well as another essay by Nolte in a 1985 English anthology. In the latter, Nolte had argued that a "revision" of the past was intrinsic to historical scholarship, and necessary in the case of the Third Reich not in order to overturn known facts but to view events in their larger historical contexts. As an example Nolte had cited a statement made by Chaim Weizmann in early September 1939 that in case of war Jews would stand on the side of the democracies; this, said Nolte, might conceivably have justified Hitler's treating the Jews as prisoners of war, and hence deporting them. To Habermas, this claim of Nolte's, along with his more recent assertion that the murder of Jews ought to be understood as a perverted copy of Stalinist policy, was but an added illustration of the attempt to create a new, untroubled vision of the past with which Germans were supposed to identify. And why, Habermas asked, should the *Frankfurter Allgemeine Zeitung* have wanted to publish such views? The reason was that Germany's "ideology-planners" needed "images of the enemy" to create a national consensus, and Nolte's was particularly useful for such "manipulations." Yet, Habermas continued, the effort was misguided: since a heartfelt commitment to constitutional government had come about in Germany only because of Auschwitz, those seeking to exorcise the shame of Auschwitz in order to create a "conventional form of national identity" were destroying Germany's link to the West. The culprits, in Habermas's reading, were not just Nolte but Stürmer, Hillgruber, and neoconservatives in general.

HABERMAS did not go unanswered. The major reply came from an editor of the *Frankfurter Allgemeine Zeitung*, Joachim Fest, himself an author of important books on Hitler and the Third Reich and in 1985 a leading opponent of the attempt in Frankfurt to stage an anti-Semitic play by the late Rainer Werner Fassbinder.

To Fest, it was indeed permissible, as a matter of historical inquiry, to compare the mass murders committed by Bolsheviks and Nazis and to investigate any possible causal connections between them. Were not both, he asked, systematic and ideologically motivated? Of course, questioning the uniqueness of the Nazi genocide *could* be used to exculpate German history; but the malicious misuse of an idea did not invalidate the idea itself. Anyway, "guilt is not simply a matter of balances. The other's crime in no way diminishes one's own, and no murderer can exculpate himself with reference to another." Fest chided the German Left for the ideological manner in which it selected those to be acknowledged as victims. Unlike their French and Italian counterparts, he noted, leftist German intellectuals had in particular failed to come to terms with the historical and moral significance of the Gulag.

In the months that followed, the controversy was joined by dozens of historians, political scientists, and journalists, and found its way into the foreign press. On the whole, liberal historians and those further to the Left defended Habermas. Some were troubled by his misrepresentation of his intellectual opponents, and by his tossing of Stürmer and Hillgruber into the same pot with Nolte. Most also conceded that in principle the Nazi murder of the Jews, like all historical phenomena, had to be compared with other such phenomena. Nevertheless they tended to conclude that the particular comparison with the mass murders in the Soviet Union did not lead very far, was intrinsically apologetic, a danger to détente, or for one or another reason was not a valid parallel.

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Historians on the Center-Right defended Habermas's targets, though some, including Hillgruber, distanced themselves from Nolte. (At a conference of Center-Right historians in West Berlin which included Stürmer, Schwarz, and Hillgruber, Nolte was conspicuous by his absence.) In general, those on the Center-Right maintained that comparison was a legitimate historical method, and that in this particular case it in no way diminished the moral implications of the Holocaust for Germans, but did point to a broader phenomenon of the 20th century that was not confined to Nazi Germany.

By July 1987 a portion of these responses had been collected and anthologized.* Review articles appeared in numerous journals devoted to German studies. Then, over the course of 1988, more than a half-dozen full-length works appeared on the subject in German, several by major historians, including the book mentioned above by Hans-Ulrich Wehler summarizing the Left-liberal case against Nolte, Stürmer, and Hillgruber and adding a number of often acute and important historical criticisms of their various claims. Yet Wehler's book is also true to its subtitle, "A Polemical Essay." In dealing with each of his opponents, Wehler ascribes their current political stance not to legitimate differences of judgment but either to psychic damage they suffered at the hands of the student Left of the 1960's or to professional frustration. The entire historians' controversy, Wehler writes, is "a thoroughly political struggle for the self-understanding of the Federal Republic and the political consciousness of its citizens" which pits "the representatives of a liberal-democratic politics, of an enlightened, self-critical position, of a rationality which is critical of ideology," against "a cartel devoted to repressing and excusing" the Nazi past.

MANY articles on the historians' controversy have appeared in English over the last year or so, and at least one book, Charles Maier's *The Unmasterable Past: History, Holocaust, and German National Identity*.† Among the articles, the impression most often conveyed is that Habermas and other intellectual supporters of liberal democracy have valiantly been trying to thwart a conservative move to deny the historical significance of the Holocaust and erase the memory of the Third Reich from the collective German conscience. This interpretation, as we have seen, presents a very skewed picture of the debate and, like Habermas himself, ignores the crucial differences between the likes of Nolte and the likes of Stürmer.**

Charles Maier's political and historiographical predilections, as he himself acknowledges, are close to those of Hans-Ulrich Wehler. He seems unfamiliar with Lübbe's work and with the development of German neoconservatism, and tends to interpret Stürmer's writings and motives through the distorted characterization of them by Habermas and Wehler. Yet he also makes a laudable effort at objectivity, and a comparison of his book with Wehler's reveals an interesting peculiarity of the political culture of German Left-liberal intellectuals.

For Maier, the question of the comparability of the Holocaust to the murders of the Stalin regime is intrinsically legitimate. In one chapter he sets out the best available evidence in order to determine what was unique about the Nazi murder of the Jews and what qualities it shared with the ideologically motivated mass murders of the Stalinist regime. His avowed purpose is not to demonstrate that the murders of the Communist regime were less reprehensible; in numerical terms, he reminds us, they were *greater* than those of the Nazi regime, even without counting the victims of the great famine of the early 1930's. He also acknowledges that the more we have come to know about the Soviet terror, the more we see that the Nazi apparatus of murder, complete with train schedules and cattle cars, had its parallels there as well. What makes the Holocaust distinct, he concludes, was the priority granted by the Nazi regime after 1941 to the murder of every last member of the Jewish people; this was extermination not as the byproduct of some other goal but as an end in itself, avowed in principle and carried out in practice with an efficiency and single-mindedness that were unparalleled. Yet Maier also writes:

> For too long Western intellectuals hung on to the difference between Stalinist excesses committed in the name of historical progress, and Nazi crimes carried out to abet the most backward aspirations. In a sense they sought to relativize Communist terror vis-à-vis Auschwitz,

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* *Historikerstreit: Die Dokumentation der Kontroverse um die Einzigartigkeit der nationalsozialistischen Judenvernichtung* ("The Historians' Conflict: Documentation on the Controversy about the Singularity of the National Socialist Destruction of the Jews"), Piper Verlag, Munich, 1987.

† Harvard University Press, 240 pp., $22.50.

** Just how wide these differences are can be seen from a later contribution to the controversy by Ernst Nolte, *The European Civil War: Bolshevism and National Socialism*. The work is a jumble of truth, half-truth, and non-truth in which National Socialism, Germany's attack on the Soviet Union, and the murder of the Jews are portrayed primarily as a response to the fear of Hitler and his followers that Western society would otherwise be wiped out by Communism. This fear, according to Nolte, was in essence justified, though it "took so exaggerated a form that it led to the greatest war in the history of the world, and to such singular mass crimes"—an argument that depends upon overlooking the fact that Hitler's anti-Semitism and the desire of the German Right to subjugate Eastern Europe and Russia *preceded* the Bolshevik Revolution, on exaggerating the threat posed by the German Communists, and above all on distorting the role of the Soviet threat in determining Hitler's plans to attack Russia in 1941. The best antidote to Nolte's pseudo-history is the careful work of Hillgruber, such as his *Germany and the Two World Wars* (1981). It is worth noting that the conservative publisher Wolf Jobst Siedler, who brought out Hillgruber's book and a series edited by Stürmer, turned down Nolte's manuscript when it was submitted for publication.

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even as Nolte and others have relativized Auschwitz vis-à-vis the Gulag.

In contrast to Maier's careful sifting of the comparative evidence, his German counterpart, Hans-Ulrich Wehler, alludes to the issue only in order to dismiss it. The murders of the Stalinist regime he refers to as "the excesses of the Russian civil war," and explains the Gulag as in some respects a continuation of the czarist system of penal exile. In any case, Wehler writes, Germany ought to be compared primarily not with Russia but with Western countries, with their values of constitutionalism, Christianity, humanism, and enlightenment.

Wehler's book demonstrates a lack of knowledge of or interest in the Soviet case which is quite remarkable for a historian with an ongoing concern for comparative history. A similar lack of familiarity dogs Jürgen Habermas, who in one of his essays in the historians' controversy referred to "the deportation of the kulaks." Later, informed that many kulaks had been not only deported but killed, Habermas amended his formulation, but it is a sorry comment that such basic facts had to be brought to his notice as late as 1986, or that Wehler felt compelled to minimize their importance in 1987.

Ironically, as Soviet authorities today permit a more open discussion about the Stalinist past, one increasingly encounters in Soviet writing the comparison between the crimes of Stalin and those of Hitler. The assumption that it is more enlightened and internationalist to turn away from systematic reflection upon the evil committed by one's enemies, past or present, threatens to leave part of the German Left-liberal intelligentsia behind its Russian counterparts.

WHAT ought we to conclude from these German struggles over the interpretation of the Third Reich in general and the Holocaust in particular?

There are, indeed, those in Germany who have sought to diminish the stain of the Nazi past, either by averting their eyes or by conflating victims with perpetrators. But such strategies have had markedly diminishing success over the years. The outcry in Germany over Chancellor Kohl's decision to honor the German war dead at Bitburg cured him, for one, of these perennial temptations within the Right; and, its polemical high-handedness aside, the strong criticism leveled against Ernst Nolte's work has similarly contributed to dispelling historical distortion. Mainly, though, it is simply not the case that most Christian Democrats in Germany believe a democratic moderate conservatism can be built only by ignoring the Third Reich; and as for Nolte's misrepresentations, these, as we have seen, are hardly typical of German historians, including especially those of the neoconservative persuasion with whom he has been unfairly grouped. Thanks to the intellectual and political institutions of a thriving liberal democracy, every attempt to bury, distort, or water down the past has had the opposite effect of keeping it alive.

Therefore, just as we ought to be properly skeptical of the claim (made by some on the German Right) that Germany as a nation has been crippled by guilt over the Third Reich and the Holocaust, so we ought to be wary of the charge (common on the Left) that Germans are desperate to suppress or explain away such guilt.

By the same token, it behooves us to be wary of charges by politically engaged intellectuals that other intellectuals are attempting to apologize for or relegitimate the Nazi past. Such charges are often based on serious distortions and serve to buttress current political positions by tarring opponents with the brush of Nazism. There are too many on the German Left still loath to part with a vision of German conservatism as a night of the spirit in which all shirts are brown. But here, though disrupted and defamed by the Left, is a voice of recent German conservatism:

> We must all oppose the calling into question of historical truth, the offsetting of victims against other victims, or the denying of facts. Those who want to offset guilt against guilt, those who maintain that it wasn't all so bad—or at least not quite so bad—are attempting to defend the indefensible. . . . No matter what may happen in the future or what part of the events that occurred is forgotten, till the end of time people will continue to remember Auschwitz as part of our German history. . . . Liberating oneself by facing up to these traumatic events is less agonizing than repressing the memory of them. . . . Keeping the memory of the past alive and accepting the past as part of our identity as Germans—this alone holds out the prospect of the older and younger generation being liberated from the burden of history.

These are not new words, but they are wise words, good words—the words of Philipp Jenninger to the Bundestag on the 50th anniversary of *Kristallnacht*.

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The Tower Precedent

Suzanne Garment

As the battle over the nomination of John Tower to be Secretary of Defense raged across the television screens of the republic, careering from White House press conference to talk show to Senate debate courtesy of C-Span, it looked like the attack on Robert Bork all over again.

Like Bork, who was nominated to the Supreme Court in 1987, Tower had been named by a Republican President to a high government post. Like Bork, ex-Senator Tower was unusually well-qualified for his new job. He had served as chairman of the Senate Armed Services Committee from 1981 through 1984 and, after retiring from the Senate, he had headed the U.S. team negotiating arms reductions with the Soviets in Geneva in 1985. He was widely acknowledged as a defense expert.

Yet in the end Tower, like Bork, was denied confirmation by the Senate's Democratic majority after weeks of vilification whose intensity surprised even cynical old Washington hands.

In both cases, the campaign against the nominee caught the White House unawares. In both cases, a counterattack was launched late in the day. In both cases, the White House failed to shake loose even the few Democrats needed to make a majority for confirmation.

These similarities are misleading, though, because in more significant ways the battle over John Tower was different.

Both sides in the Bork fight acknowledged that their dispute was largely ideological in nature. Both sets of partisans were debating the question of whose notions about the role of the Constitution and the judiciary in American public life were going to be declared legitimate and given the power to shape our legal institutions. And underlying this institutional debate was another sort of ideological struggle—over the many controversial issues, such as crime and abortion, that the Supreme Court has massively affected in the past three decades.

The Bork nomination also engaged a great many people outside Washington. It mobilized interest groups on the Right and, more decisively, the Left. The anti-Bork groups exerted great influence on the decision-makers inside the Senate through TV ads that stirred up much anxiety in the viewing public and through intense pressure from constituency organizations.

Finally, the issues raised by the Bork battle stayed very much alive after the nomination fight itself. In the presidential campaign of 1988 they rebounded, with great effect, against the anti-Bork organizers who had thrust them into the public eye.

In contrast, Tower's defeat was a much smaller-gauge affair.

Tower was a hawk, but he had not come to symbolize any specific ideological positions, and President-elect George Bush did not nominate him for ideological reasons. Tower's critics, unlike Bork's, did not say that the nominee held unacceptable, "out-of-the-mainstream" views. They said that what was unacceptable about Tower was his degenerate character. Accordingly, the attack on Tower did not set loose vast armies of activists fighting for their most fundamental political beliefs. This was an inside job, and people beyond the Beltway seemed to view it chiefly as an entertaining part of the hazing rituals of the Washington tribe.

Nevertheless, precisely because the rejection of Tower was driven neither by ideology nor by outside pressure, it represented a deeper cut into the customary prerogatives of the presidency than the rejection of Bork.

By the time George Bush was elected President, he and John Tower had long been political allies. Each of them had played a major role in the rebirth of the Republican party in Texas. During the 1988 presidential campaign Tower remained loyal to Bush even in the worst of times, providing valued advice in crises ranging from Bush's loss in the Iowa primary to the furor over the choice of Dan Quayle as his running-mate. Tower wanted to be Secretary of Defense, and after the election it was not surprising that Bush, sure of Tower's competence and loyalty, wanted to give him the job.

Yet some members of Bush's entourage objected to the idea of Tower at the Pentagon. They suggested that Tower, who as a Senator had staunchly supported growth in defense spending

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and who had become a consultant for defense contractors after his retirement, was not the man to carry out the far-reaching Pentagon reform that candidate Bush had promised. The inside critics also feared that Tower's reputation for liking liquor and ladies would spell trouble in the nomination process.

Tower fought off the first criticism by taking the offensive and drawing up his own Pentagon reform program to present to Bush. As for the other problem, that of Tower's personal life, Bush thought he had countered it by putting a "hold" on the nomination and running an especially thorough FBI check on Tower before declaring him clean and naming him to the Defense post in mid-December.

The "hold," meant to strengthen the nomination, instead hurt it. Washington's ever-waving antennae took it as a signal that something was indeed wrong with Tower. So the talk about his personal life did not stop. By the time Tower's confirmation hearings before the Senate Armed Services Committee began in late January, some were already writing about him as a "wounded figure." The chairman of the committee, Senator Sam Nunn (D-Ga.), had already warned, "We're not going to play the 'old-boy-go-around' with him this time."

Still, neither the White House nor Tower himself anticipated anything like terminal trouble. Shortly before the hearings Tower refused an offer of help from an outside attorney because, as he put it, "If I came there with a lawyer, it would look as if I had a serious problem. And I don't think I do." During the hearings Tower even took a break to fly to Munich, West Germany, and address a NATO conference.

This sort of confidence stemmed, it is now clear, from a serious failure of political intelligence. Yet the optimistic outlook was not so unreasonable as it seems in retrospect. Most observers outside Bush's circle, too, thought the nomination would ultimately succeed. After all, Tower had passed the FBI check. What was more, the weight of precedent seemed decisive here: never in the country's history had the Senate refused to confirm a Cabinet nomination of a new President.

At the start of the confirmation hearings on January 25, 1989, an Associated Press reporter on the scene, reflecting the prevailing wisdom, said Tower had been named after "an exhaustive background check." A liberal columnist, Mary McGrory, describing the tone of the early hearings, concluded that "There was . . . no question about his confirmation." A member of the committee, Senator Edward M. Kennedy (D-Mass.), allowed that when he and Tower had served together on that same committee, "I didn't always agree with Senator Tower, but I respected him and am looking forward to working with him as Secretary of Defense."

In the committee's public hearings, the Senators questioned Tower mostly on defense-policy issues and on his relationships with the defense contractors for whom he had worked as a consultant. Then came a day set aside for the testimony of outsiders. One of those who asked to testify was Paul Weyrich, for years a spokesman in Washington for conservative groups concerned with the preservation of traditional moral values. Weyrich did not like what he had seen of Tower's fidelity to those values, and on top of that considered him insufficiently strong in his support of the Strategic Defense Initiative.

Weyrich testified in open session and voiced his general doubts about Tower's moral character. Then Nunn, as the New York *Times* put it, "expressed frustration with the second-hand nature of the allegations" he had been hearing from Tower's critics. Weyrich responded with his "*J'accuse*": "Over the course of many years, I have encountered the nominee in a condition—a lack of sobriety—as well as with women to whom he was not married."

Nunn, having elicited this public charge, then stopped Weyrich, who continued his testimony in closed session. Senators emerged from the session declaring themselves unimpressed. "I haven't heard anything," said Senator James J. Exon (D-Neb.), "that would disqualify him from being Secretary of Defense."

THE day after the Weyrich episode, however, the White House started receiving new allegations about Tower's drinking and womanizing, some of them conventional and others bizarre and exotic. An unidentified woman, the press reported, had told authorities that she had seen Tower chase a secretary around a desk. An Air Force colonel claimed that Tower had had fourteen separate liaisons with women while he was heading the U.S. negotiating team in Geneva. Someone charged that back in Houston, Texas, Tower had kept a Soviet ballerina.

This new round of allegations might mean that the FBI had missed something serious. Or, also quite plausible, it might mean that Weyrich's charge, in the familiar dynamic of the Washington scandal, had drawn out of the woodwork additional accusations based on malice, opportunism, and mild hysteria. In order to resolve these questions, the committee vote on Tower was postponed and the FBI called back into action—at which point two widely read defense-industry publications called for the withdrawal of Tower's nomination on the grounds that the delays in his confirmation were leaving the Pentagon without a leader.

As the FBI report neared completion and the White House started briefing members of the Armed Services Committee on its contents, the proceedings became more openly partisan. The Republicans on the committee went to a briefing and came away saying publicly that the new allegations against Tower were groundless. They began pressing for a committee vote. In response,

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Nunn maintained that the White House had not offered him a similar briefing and was maneuvering behind his back.

Meanwhile, yet other allegations emerged for the FBI to check out, including one involving contributions to one of Tower's Senate campaigns by a contractor implicated in the recent Pentagon procurement scandal. Nunn announced that he wanted the new FBI report in hand before going any further. If he were forced to vote on Tower without the additional information he needed to ease his doubts and worries, he would have to vote no.

Republicans now rallied around Tower. The President himself consistently expressed his confidence in the nominee and included Tower in Cabinet meetings and discussions of Pentagon business. He denied that he was already considering alternative nominees, and in the main kept his staff from telling the press otherwise. Senate Republicans rose to attest to Tower's sobriety on the job and pointed out that no Democratic Senator had testified to the contrary.

Tower himself let it be known via the White House that these days he drank only two glasses of wine a day, on the advice of his doctor. He also released a report from a physician who had attended him during his recent cancer surgery, confirming that he showed none of the physical signs of alcoholism.

None of this stopped the stream of charges. But when the newest round of FBI findings was delivered to the Armed Services Committee, the President declared that they had "gunned down" the latest accusations. Nunn, however, said he still had a problem with the overall picture provided by the information in the report.

By the time the committee finally voted on February 23, the partisan nature of the debate had become undeniable. Each of the eleven Democrats on the committee announced that he had read the FBI report, carefully considered it, and conscientiously decided that he agreed with Nunn's interpretation and his doubts. The nine Republicans, after the same dispassionate and independent consideration, announced that they agreed with the White House. The committee recommended by a straight party-line vote of 11-9 that the nomination be turned down.

Committee Democrats explained their votes in various ways. "I cannot in good conscience," Nunn said after his negative verdict, "vote to put an individual at the top of the chain of command when his history of excessive drinking is such that he would not be selected to command a missile wing, a SAC bomber squadron, or a Trident missile submarine."

"There is no smoking gun in the FBI report," another Democratic member of the committee, Senator Robert C. Byrd of West Virginia, acknowledged, "but there is enough smoke to cause one to be uneasy."

Senator Kennedy, going along with his fellow Democrats, did not mention the drinking issue. He said he was voting no because he feared that with all the defense-consulting work Tower had done, the nominee would probably not be able to bring an open mind to the Pentagon.

Some of the Republican committee members, explaining their votes, took refuge in the procedural argument that a President must have the power to appoint his own Cabinet. Others shared the view of their colleague on the committee, Senator Malcolm Wallop of Wyoming, who denounced the collection of informants populating the FBI report as "voices in the dark, some of whom failed lie-detector tests, some of whom would not put their names to their allegations, and some of whom were crazy."

Now the nomination went to the Senate floor, where Republicans pushed it with a vigor for which the supporters of Robert Bork would have been grateful. President Bush, still on the trip to Asia that had begun with his attendance at the funeral of Japanese Emperor Hirohito on February 25, began lobbying Senators from Air Force One. White House operatives continued their campaign to show how tenuous were some of the allegations against Tower, and they succeeded well enough so that Nunn threatened to reopen the hearings in retaliation for the leaks. Republican Senators plunged into a spirited floor debate, where they protested the way in which the Democrats were trying to do in Tower on the basis of secret, inconclusive documents.

Tower himself, who was bearing the ordeal with acknowledged grace, halted the slide in his fortunes the weekend after the committee vote. Appearing on a Sunday-morning news show, he produced a fuller version of his doctor's report. He also displayed a document notarized by two witnesses pledging that "if confirmed, during the course of my tenure as Secretary of Defense, I will not consume beverage alcohol of any type or form." Tower then added, "I've never broken a pledge in my life."

Some people thought the pledge was ridiculous, but with it Tower had succeeded in making his adversaries' job somewhat harder. In order to oppose him now, they would have to call him not just a drunk but a man whose word meant nothing.

At the same time, a small backlash was developing among the news commentators. The problem was the FBI report. Nunn did not have first-hand charges to make against Tower, and was therefore forced to lean heavily on the report. Thus, instead of the report's being used in the traditional way, as a private aid to presidential decision-making, it became the property of two men with interests in using it in two contradictory ways. Thus, too, the report's allegations, many of them anonymous and disputed, became the ugly center of the Tower debate. In reaction, a Wash-

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ington *Post* editorial said that though the nomination proceedings were not a criminal trial, and Tower's accusers did not have to prove his drinking problem beyond a reasonable doubt, "they should be able to show at least that the possibility is serious." Several days later, the *Post* added that the burden was now on Nunn to state his case clearly, and a week after that the paper editorialized more sternly about the "awful precedents established by such total reliance on the kind of material found in FBI files and even appearing to adjust the criteria for confirmation of presidential appointees in an arbitrary or political fashion."

Sounding a similar theme, but in even more explicit terms, Anthony Lewis of the New York *Times*, who opposed Tower's nomination, wrote: "Reliance on untested accusations evokes one of the nastiest periods in our national life, the McCarthy era."

And in the category of political hardball, the *Wall Street Journal* editorial page reprinted a 1964 article from the Atlanta *Journal* that told how the young Sam Nunn had left a party late at night, sideswiped a parked car, crashed his own car down an embankment, and left the wreckage. The police docket and summons showed charges of hit-and-run and leaving the scene of an accident, but the subsequent court docket contained only the charge of leaving the scene, to which Nunn had pleaded guilty. Confronted with the twenty-five-year-old story, Nunn admitted that he had drunk enough that night to impair his driving and judgment, claimed that he had been guilty of leaving the scene but not of hit-and-run, and said he had "learned a valuable lesson which I have not forgotten."

In the course of the confirmation fight, Washington was treated to some moments of comedy and jaw-dropping amazement. Three days after taking the pledge, for instance, Tower delivered a speech at the National Press Club. In the question period a reporter asked him, "You said Sunday you've never broken a pledge in your life. Does this include wedding vows?" "As a matter of fact, I have broken wedding vows," Tower answered. "I think I am probably not alone in that connection." Afterward a Tower spokesman rushed to make sure journalists understood that this statement did not contradict Tower's previous claim, made to the Armed Services Committee, that he had never been unfaithful to his second wife.

The Tower fight also produced some revelatory moments in modern journalism. As the debate in the Senate was drawing to a close, the Washington *Post* created a stir with a front-page article by the well-known journalist Bob Woodward reporting on an interview with one Robert Jackson, a retired Air Force sergeant who claimed that he had seen Tower drunk and fondling women. Senator John McCain (R-Ariz.) came to Tower's defense on the Senate floor, citing a witness who said Tower had not done what Jackson said he had done. McCain also produced evidence that Tower could not have been at the scene of the crime at the time in question. Most embarrassing of all, McCain produced a letter from the Air Force according to which Jackson had been diagnosed as having a "mixed personality disorder with antisocial themes and hysterical features" and had been discharged from the service for psychological reasons. The *Post* ran a corrective story on its front page. But the New York *Times*, not satisfied, sent its own reporter to visit Sergeant Jackson and ran a substantial story about some of the earlier, nicer things from his service record that McCain had left out.

Readers of these and other news stories on the subject might have thought that the battle for uncommitted Senators was raging down to the wire. But the signal that the end for Tower was near came as early as March 6, with what to the uninitiated might have appeared a piece of good news for him—the first announcement by a Democrat, Senator Howell Heflin of Alabama, of his intention to vote for Tower.

In 1987, Heflin was the swing vote in Bork's Supreme Court nomination. A member of the Judiciary Committee, he was also a former judge and was viewed as a conservative among Democrats. His no vote was a precedent that could be cited by any Senate Democrat who wanted to oppose Bork without looking like a simple liberal partisan.

Heflin's anti-Bork position caused him trouble with his conservative constituents in Alabama. He found it necessary to tell some of them, in fact, that he had voted no because Bork was some kind of radical. Now, in 1989, Heflin was declaring for Tower, thus saving himself from yet more grief back home. Yet the very fact that Heflin felt free to support Tower meant that the Democrats were by now becoming confident that they had the votes to defeat the nomination without him.

The very next day, Senator Christopher Dodd of Connecticut became the second Democrat to declare for Tower. Dodd, too, had a special reason for doing so.

Christopher Dodd's seat in the Senate had once been held by his father, Thomas Dodd. Tom Dodd, a thundering anti-Communist, was an ally of Lyndon Johnson's and had been mentioned as a possible Vice-Presidential candidate in 1964. In 1967 the Senate censured the elder Dodd for influence-peddling and diversion of campaign funds. There had been no such act by the Senate against one of its members since the censure of Senator Joseph McCarthy in 1954.

Tom Dodd's censure marked a watershed in the way American political institutions dealt with questions of ethics and morality. It also destroyed Dodd, politically and personally.

Tom Dodd's defender on the floor of the Senate, Russell Long (D-La.), argued that Dodd had violated no law or established rule and that the

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Senate was punishing him for practices that many Senators engaged in. Yet only five Senators voted against censuring Dodd. One of them was John Tower. In 1989 the younger Dodd, announcing for Tower, closed a somber circle in American politics. But unfortunately for Tower, Dodd's announcement was yet another sign of the confidence of the Democratic majority.

Then, right on schedule on day number three—the very same day that Lloyd Bentsen, a fellow Texan, became the last Democratic Senator to announce for Tower—four more Democratic Senators declared against the nomination, making its defeat certain. The vote took place the next day and Tower was rejected 53-47.

DURING the confirmation fight, we frequently heard that Tower was being done in by the country's rapidly changing standards in areas from conflict of interest to drink and sex. Such changes certainly did play a part in the Tower story, since one sure method of catching someone at scandalous behavior is suddenly to expand the definition of what sort of behavior is scandalous.

Take, for instance, the matter of conflict of interest. After Tower's last job in government, as arms negotiator in Geneva, he started a defense-consulting firm that worked for big military contractors. He was never accused of having broken any law or violated any fixed rule in the process. Some of his supporters even contended that this work of Tower's gave him an unusual amount of knowledge about the way defense procurement works and—exactly contrary to what his critics thought—would make him just the man to outsmart those contractors in reforming the Pentagon. Moreover, when Tower was about to be nominated as Secretary of Defense, he cut all ties with the contracting firms and announced that when questions involving them had to be decided, he would recuse himself from more types of decisions than was legally required.

As is not surprising in today's Washington, the steps Tower took to obviate his conflict-of-interest problem did not keep him from being flayed with the issue during the confirmation fight. Nunn and others had a whole series of complaints. Some argued that Tower's going into the consulting business so soon after retiring as chairman of the Armed Services Committee represented an unseemly selling of his relationships with Washington decision-makers. Some went further and suggested that he might have given his clients government secrets. Some claimed that his connection with the defense industry was bound to have distorted Tower's policy views in its favor. And some said it was not the contracting *per se* but the number of different clients that posed the problem, because Tower would have to recuse himself from so many decisions that he would become ineffective as a Pentagon manager.

A number of Senators did cite the conflict-of-interest issue as their reason for voting against Tower. What is more, every charge made against Tower during the confirmation debate added to the burden of doubt that ultimately sank him. But the specific effect of the conflict-of-interest issue on the outcome was limited. By the end of the debate some commentators were noting how ironic it was that the large structural issue of Tower's conflicts of interest was getting so much less attention than the more colorful but probably less important issue of drink.

If anyone had established that Tower retained any sort of interest in any firm he had worked for, the effect of the story would have been big. If anyone had turned up proof that Tower had given his clients national secrets, the effect would have been even bigger. But the subtler and very real questions about Tower and the contractors never took center stage. The reason, perhaps, was that many decision-makers in the Senate could foresee the day when they would be in Tower's position. If a Senator charged that Tower's quick move to defense consulting was inherently corrupt, was he proposing new, stricter post-employment rules for everyone in the Senate? If a Senator said that having taken money from the contractors would inevitably distort Tower's policy views, what would he say about the views of all his colleagues who had taken political contributions from the very same contractors Tower worked for?

So changing conflict-of-interest standards weakened Tower but did not do him in.

The same was true of changing standards in the area of sexual behavior. The public skirt-chasing of which Tower was accused, though even in the old days considered in certain quarters a mark of poor judgment, was looked upon in other circles with tolerance and even admiration. With the arrival of the women's movement, however, a man's pursuit of sexual conquests (instead of the approved "meaningful relationships") began to be seen more widely as a fundamental character flaw.

The issue of womanizing certainly received media attention. But it did not get a similar amount of overt attention from people actually involved in the confirmation process. The reticence was not surprising. First, although news about sex is more abundant in this country than ever before, and greedily devoured, political figures still do not like talking about the subject. Also, hypocrisy in this area is more dangerous than, say, hypocrisy about alcohol. If a Senator calls an ex-colleague a boozer and is then found with a bottle of Jack Daniels in his desk drawer, he is embarrassed. If the Senator accuses his ex-colleague of philandering and then gets caught fooling around with his secretary, he is in trouble.

PERHAPS it is this reticence that explains why the public discussion of John Tower's morals focused so centrally on drink.

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Drinking ethics are now changing so rapidly that from month to month it is hard to be certain which way of addressing the issue is properly sensitive and up-to-the-minute and which has already been consigned to the cultural dustheap. There was a time, not yet past in the minds of many people in public life, when a politician who drank a lot, even one who became publicly drunk, was not necessarily viewed as having a deep and general character problem. Meg Greenfield of the Washington *Post* summed up this attitude when she wrote during the debate that to judge by the stories floating around, Tower's drinking in earlier years bore little resemblance to the furtive disease described by people who today admit that they are alcoholics. "The drinking of which Tower is being accused," she remarked, "while conceivably just as serious and disqualifying, doesn't sound like this kind of lonely thing at all. Rather, it seems to have been unreconstructed old roistering about, excessive social drinking, oblivion-seeking revelry of the 'Hey, is everyone having a good time?' sort."

By sharp contrast, the newer language about alcohol heard in the Tower debate had no room in it for the concept of such revelry. This newer language grew out of ideas that have proved useful in the treatment of alcoholics, but its influence has spread more widely. Excessive drinking, the logic goes, is "problem drinking," close kin to if not synonymous with the disease of alcoholism. Moreover, a major symptom of the disease is an individual's refusal to admit that he has it. Therefore, each time Tower insisted he was not an alcoholic, some sage journalist reporting his claim would add in the very next sentence something like: "Experts in alcoholism say that one of the chief symptoms of the disease is denial." Similarly, if Tower found it necessary to promise not to touch alcohol, this was cited as evidence that he had an "alcohol problem." Here was the new language of therapy at its most unforgiving.

But a third language was also being spoken in the debate on alcohol, and Tower noted its existence. When Tower took the pledge, the words he used in saying that he would not "consume beverage alcohol of any type or form" sounded strange and quaint. For here Tower was speaking in the terminology of the 19th-century temperance movement, whose successor is alive and well in many parts of the country, especially in the South.

There is a difference between the old temperance concern about drink and the new concern with alcoholism. In the older version, the individual who takes the pledge against alcohol must admit he did wrong but is assumed to have the independent ability, through his own will and with the help of God, to determine his own future conduct. Thus it was no accident that when Senator Heflin of Alabama announced his intention to support Tower, he pointed to Tower's pledge as justification.

But the new anti-alcohol ethic is different. Under the new dispensation, the individual's pledge by itself means nothing. After all, he has a disease that has overcome his will. He is not fully in control of himself. He cannot simply make himself clean. Instead he must recognize that he is sick and submit to a course of medical treatment and an approved form of group therapy.

Under this newer standard, Tower could never be considered cured unless he first admitted his sickness—and thereby acknowledged that he was unable to serve as Secretary of Defense. It is no wonder that he chose to take the pledge instead.

Some observers warned after the vote that no one should read too large a social meaning into it because the outcome depended so heavily on the idiosyncratic personality of John Tower. And indeed, there is no question that Tower's personality turned him into an easier target than he would have been otherwise.

Tower retired from the Senate without many friends in that body, and first-hand accounts from people who encountered him on the Hill during his Senate days make the reason plain. When Tower was in a position of superior power in his dealings with other Senators' staffers, or even other Senators themselves, he and his staff left them—even more than U.S. Senators usually do—feeling ignored or condescended to or belittled or humiliated. This behavior clearly colored the community attitude toward Tower's vices.

He was not the heaviest drinker in the Senate, but he had a reputation for being loud and exhibitionistic rather than quietly sodden in his bouts with the bottle. The word "exhibitionist" also applies to his reputation with women. He was not necessarily the Senate's biggest "womanizer," to use the current euphemism again, but he was outstanding in the public, unabashed nature of his pursuits.

There are those who speculate that the high-handedness and exhibitionism were connected to his being only 5'3" tall, more or less, and feeling the constant need to assert himself. His height probably affected other people's reactions to his behavior as well. During the confirmation debate the commentators made constant reference to his stature. "Tough little bastard," "feisty little man," "Despite the name, Tower doesn't"—all entered the phrase book, as if there were something noteworthy and unusual about a man of his height aspiring to an eminence as lofty as the post of Defense Secretary. During Tower's Senate days, any expansive roistering on his part or any aggressive attempts to assert his authority over other men must have caused the same visceral resistance. Of such things are the resentments born that live forever. These resentments, too, must be assumed to have influenced the way the people who knew Tower read the reports of his drinking or womanizing during his later, post-Senate years.

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Still, personality does not account for the size of the Tower affair any more than does the fact of shifting standards. Tower also suffered from one of the fairly constant factors in modern political scandals, and that is the failed counterattack. Sometimes the failure stems from panic, with the victim trying to cover up and seeing the scandal balloon as a result. Sometimes it stems from the inability to devise an effective counterstory to offer to the press. Sometimes it stems from a blindness to danger.

Once it became clear that the Tower nomination was in trouble, Washington insiders were quick to begin their usual chant in such circumstances: the White House (no matter who happens to occupy it at the moment) is losing its battle because it is filled with incompetents stumbling all over themselves and making perfectly obvious technical mistakes.

For starters, George Bush was accused of being bull-headed and insular in having named John Tower in the first place. After all, went the story, some of his clear-eyed and prescient political aides had warned him about the trouble Tower could cause. Yet the loyal Bush had gone heedlessly ahead anyway.

Bush was charged with being even more pigheaded in sticking with Tower after the sounds emanating from Sam Nunn's cave grew ominous. A smart President, said the cognoscenti, would have acted quickly, persuaded Tower to withdraw his name, and hustled to come up with a nominee more agreeable to Nunn. Instead, the administration dug in for a fight that could only embitter relations between the White House and the majority Senate Democrats who were so vital to the President's success.

White House lobbying techniques also came in for criticism. The President left for Asia, it was pointed out, in the middle of the fight in the Armed Services Committee and without asking for a postponement of the committee vote. White House operatives terminally offended Nunn by not showing him the proper deference. The White House lobbying effort was critically understaffed.

YET whatever the merits of these criticisms, operational flaws were not the real problem. Indeed, such flaws were only the symptom of a much larger failure—the failure to understand the lessons of the fight over Bork.

The Bork battle gave warning that something new and important had begun to happen to the confirmation process. A President now had to assume that any weakness in his operations or his nominee was going to be exploited and pushed very far.

As in the case of Bork, the Tower vote was a blow struck by a Democratic Senate facing the prospect of yet another four years with a Republican President. To be sure, Democratic leaders denied they had orchestrated the votes against Tower, and no eager investigative reporter rose up to challenge their account. But the widely recognized truth is that we can expect more such confirmation battles so long as the Democrats assume they cannot capture the presidency in the foreseeable future and will never have to stand on the other side of the institutional divide defending its prerogatives.

Nor, it seems, will it any longer take some great ideological issue (as with Bork), or the smoking gun of actual corruption, to serve as a cover for partisan opposition. All it will now take is something like the conviction that a nominee has generally bad morals.

Sam Nunn was a highly appropriate leader for this most recent exercise in the extension of congressional power. There has been much speculation on the degree to which Nunn's moralistic personality, or his personal distaste for Tower, or his political ambitions may have determined his implacable position throughout the struggle. Clearly factors like these were at work, but at least as important is the role Nunn has played in the growth of Senate influence over foreign and defense policy at the expense of the presidency. Thus only last year, in the debate over how the ABM treaty of 1972 affects SDI, Nunn singlehandedly led the fight to establish the idea that an American treaty with a foreign country is not the treaty the President negotiated but the treaty the Senate imagined it was ratifying. During this fight he urged a very broad view of the Senate's prerogatives and showed a willingness to play rough personal politics in its pursuit.

Similarly, in the Tower case, by all reports, Nunn did not hesitate to tell Democratic colleagues that he would see their votes as an index of their personal respect for and confidence in him.

If Nunn was tough in this sense, Bush was not. He stood by his nominee to the bitter end, but he also sent the Senate signals that conflicted with the White House position of support for Tower. Democratic Senators lobbied by President Bush reported that the President had spoken of his need to choose his own Cabinet, but had shown no anger or vindictiveness, and refrained from threats. When Tower was finally defeated, the President went to work almost immediately to minimize the importance of the dispute. "Too much time has been wasted here," he said.

The Tower episode, though, was no mere waste of time. The success Senator Nunn achieved here will assume its place as another marker on the path Congress has taken in asserting powers that have by tradition belonged more fully to the executive. The President's adversaries, looking back over the Tower affair, will see little reason why, whenever a promising opportunity arises, they should not try again.

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Our Road to Zion: A Memoir

David Vital

In settled societies, the question why you should have passed your childhood in one place rather than another is rarely of more than routine interest: a father's change of job, a death in the family, a one-time migration from one country to another, a natural catastrophe. Something of that sort: straightforward, self-explanatory.

That was not my case. We—my parents, my sister, and I—were in London in the 1920's. My sister and I were born there. Why? And why, then, did we leave? A proper answer to either question would be anything but straightforward and self-explanatory. It would have at least as much to do with large political events as with any of us as individuals. It would have something to do with political dissidence in Russia in czarist times and with the civil war thereafter, with political dissidence (of a wholly different kind) within Jewry, with the Zionist movement, with anti-Semitism in early 20th-century America, with World War I, and perhaps especially with the assumption of the Mandate for Palestine by Great Britain.

We were not immigrants to Britain. We were not members of the Anglo-Jewish community, nor did either of my parents make the slightest effort to join it. So far as they could be defined socially, and so far as their interests, perspectives, and habits of conduct were concerned, it is almost enough to say that they were of that distinctive and remarkable class—essentially a cultural, not an economic or professional or even, properly speaking, a political class—known as the Russian-Jewish intelligentsia. They were never to leave it, and were never to be transformed into something else.

Little enough has been written about these remarkable men and women of the turn-of-the-century Russian-Jewish intelligentsia, least of all in their exile: of their boundless energy, their intensity, their seriousness, the freedom with which they moved from one level of non-Jewish society to another, and the ease, betokening a kind of aristocracy, with which they were able to deal with whomever they encountered on whatever terms immediate circumstances seemed to require. But their supreme characteristic was their undeviating interest in public affairs, by and large to the detriment of all other concerns: income, literature, art, simple entertainment, or, not least, family. Virtually everything else came second to the common, consuming interest in public questions and public activities, or, not to put too fine a point on it, politics.

These, however, were not the politics of their new countries of residence, although they often tended, if only out of habit, to follow political events in England or France or Germany or the United States cautiously and from what might be termed a moral distance. Their true and abiding interest remained what it had been before their exile, before the first of the great wars of this century, before the calamitous October revolution swept them out of the political, social, and spiritual landscape in which they had been formed and to which they were accustomed. Their enduring interest and concern was the great Russo-Polish Jewish community from which they themselves stemmed, the most compact, most unselfconscious, most politically alert, and far and away the largest of all Jewish communities at the time. In their eyes, that community was virtually synonymous with Jewry itself.

True, this probably had something to do with the fact that within that community, the people of whom I am speaking, the intelligentsia, were far and away the liveliest and almost certainly the most important single element. And it would be neither unfair nor denigrating to say that so they themselves tended to think, and so they conducted themselves. It is not that they were arrogant or overbearing. But they did tend strongly to feel that they bore a distinct, public responsibility and that in some unspecified way they were accountable for the future of the Jewish people.

Many of them persisted in this view even after the cutting-off of the greater part of Russian Jewry from Jews elsewhere as the borders of the new Soviet state were made ever more hermetic and as they themselves began slowly to share the fate of all exiles. Yet in the end many were fated to see

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their own children acquire a fresh language and a fresh culture and, for the most part, fresh interests and concerns as well. This, in any event, was the case with all those who for reasons rooted in ideology or inertia or straightforward and immediate considerations of livelihood ended by staying put in what had initially been lands of temporary refuge, but which, with the passage of time, became lands of adoption.

In every respect except the very last my parents—my father especially—were typical enough. But that last respect was decisive. In my father's mind, the question of *settling* in England seems never to have been seriously considered at all, at any stage. We, unlike most others, had yet another journey to make and another climate and landscape to enter and accommodate ourselves to. London from the first was to be an episode, a waystation.

II

My mother, when she first reached England in 1920, still unmarried, was a very beautiful young woman: small figure, dark hair piled up in the style of the day, delicate features. Photographs provide ample evidence to back up what I myself could see, by a kind of extrapolation, many years later and what some in my parents' circle wrote of her in their memoirs. That was enough to mark her out in that circle, but what made her exceptional were both her ancestry and her very recent past.

She came to Western Europe not directly from Russia, like everyone else, but from the United States, where she had been settled for a dozen years at least. Her family had migrated to the United States before the war and the revolution, and by stages, her eldest brother early enough to have gone prospecting (unsuccessfully) for gold in the Yukon and to have served in the United States Army in the Spanish-American War. Of him it was whispered in the family all the way down to my level that he had had to leave Russia because he had got a girl, and himself, into trouble. Eventually, he settled down as a pharmacist on Long Island and other brothers and sisters followed him to New York in due course. My grandfather, my mother, and my mother's youngest sister were the last to arrive. But since my grandmother had died some years earlier and my grandfather caught pneumonia in the course of the sea passage and died virtually on arrival, my mother promptly found herself orphaned and in very hard times.

Yet she managed, with the aid and encouragement of one brother particularly, Joseph (Ossip), to keep head above water, to acquire English, and, within a few years, to make her way to Cornell University—a display of inner strength and determination that strikes me as the more remarkable the longer I wonder at it. There she studied while working as a typist and secretarial assistant to a certain Professor Comstock. She became sufficently prominent on campus to be chosen as a candidate for the Ford wartime peace mission to Europe—although she never participated in its journey because the imperial Russian embassy in Washington was outraged by her innocent request for a renewal of her passport for the purpose—and to be recruited into the well-bred stratum of the suffragette movement.

After graduation from Cornell she found work for herself as a journalist. Her journey to Europe finally materialized after the war when she set off with another young, and virtually untried, woman reporter, Dorothy Thompson—my mother being, for the moment, the leading and more confident, because more European, member of the pair. She wrote for a semi-popular New York newspaper until her marriage to my father, in London, at the end of 1920 terminated what might be called her American career.

My mother had liked the United States and to the end of her life looked back on her years there with warmth and a tinge of regret. Despite her hard, early times in New York, when she and her younger sister had no more than a few apples on which to feed themselves for days at a time, and despite at least one nasty episode which led her in time to the very different world my father inhabited, she had been happy in America. I think she saw herself as having been free—free to lead a life almost uncluttered by such constraints and considerations and responsibilities as the Old World imposed, that Old World out of which she had come and to which in 1920 she, one is tempted to say thoughtlessly, returned.

A certain thoughtlessness or absentmindedness was, indeed, one of her enduring characteristics. It gave an additional noble touch to that about her which connoted the lady. It was entirely typical of her that in all her years in the United States she had never bothered to take out citizenship papers, even though there was never any question at all in her mind or in the minds of any of her brothers of returning to Russia, and certainly none of sheltering under the Soviet wing. Once back in Europe, at any rate, she had to travel for many years on League of Nations "Nansen" passports, travel documents for the stateless—an awkward and at times humiliating business. On one occasion, when she was returning to the United States to visit her brothers, a New York immigration officer demanded to know whether she could read and write. My mother drew herself up to her full four feet eleven inches and replied with all the cold dignity that she could muster, "I am a graduate of Cornell University." "Answer my question," was the furious response. "Can you read and write?" "I can," said my mother. "Read *that*," said the officer, pointing to a luggage label. My mother obeyed. "C-u-n-a-r-d W-h-i-t-e S-t-a-r L-i-n-e," she intoned and was permitted to land.

But what made my mother most unusual, in

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fact unique, in the London circle which she and my father were joining in 1920, as well as in the much larger society of Russian Zionist activists to which my father had belonged for years and into which she now followed him, was her ancestry. Her maiden name was DePorte, recently de-Russified from Portugalov, the form the family had adopted several generations earlier. Her own mother's maiden name was Vital. A related family bore the name Malkiel. All were of Spanish and Portuguese origin. All came from Russia's second capital city, Moscow, normally forbidden to Jews, but in which they, as "Merchants of the First Guild" and latterly as members of liberal professions, had been privileged to live as far back as any could remember—probably since early in the 19th century, conceivably earlier still. All were intensely proud of their distinctive origins and status, and of the multiple social differences between themselves and the rather common (as they saw them) Ashkenazi Jews who filled the towns and villages of the Pale of Settlement in western Russia and who formed the greater part by far of Russian Jewry.

The Vitals, tea merchants by occupation, were proudest of all by reason of the descent they traced (complete with family tree) from the great 16th-century kabbalist Haim Vital, himself the chief pupil of the most celebrated of all kabbalists, Rabbi Yitzhak Luria, the "Ari," and for all practical purposes the monopolist of his teachings. But alas, my mother's maternal grandfather was the last of the male Vital line. And so, when David Portugalov sought his eldest daughter Rachel's hand, the old man tried to extract a promise that he be allowed to adopt the first male child of the union as his own. Portugalov refused. There was some argument and tension. In time it was agreed that all descendants of the union would, at least, bear Vital as their middle name. So it was with my mother and her brothers, my sister and myself, and most of my cousins of that branch of the family. The chapter was finally closed when I myself adopted Vital as my surname.

MY MOTHER'S MOTHER, Rachel, died a comparatively young woman when my mother was still a child. She too was a handsome woman—that much is evident from photographs. She was of conservative and protective temperament so far as the family was concerned, an observant Jewess and almost certainly (to judge from the scraps of memory my mother retained) a God-fearing one. Most things in Rachel harked back to the past: to 16th-century Safed, the seat of the Palestinian kabbalists, thence to Damascus and thence, with a mysterious leap, to imperial Moscow, but the whole preceded crucially by Calabria and Spain. All the bits and pieces of family and caste recollections were lent structure and coherence by virtue of absolute fidelity to ancestry, learning, fame, and the ancient Jewish principle of continuity with which they were informed.

Her husband, my grandfather David Osipovich Portugalov, was of a contrasting nature and of a very different, far less traditional breed. He was in many ways a man fully alert to the distinctive social and ideological currents of his own times in Russia. So were other members of his family, some of whom were university graduates when that was still very rare in Russian Jewry. At least one was a man of considerable distinction in his academic profession. Several were involved in contemporary revolutionary politics, one on the periphery of the group held responsible for the assassination of Alexander II in 1881. My grandfather was himself a lawyer of the higher degree, a status very roughly equivalent to an English barrister who has taken silk, and to which only a handful of Jews had been admitted. He had at least twice crossed the line between the politically permissible and impermissible, and had been exiled first for a term to Siberia and then, some years after his return to Moscow and to respectability, to the Jewish Pale of Settlement, to the town of Gomel. This may have been in the course of the great and peremptory banishment of Jews from Moscow in the late winter of 1891, or it may have been just before or just after. Whatever the date, in the case of David Osipovich what was significant was not just his ethnic identity but the fact that he had been (in the eyes of the authorities) an egregious, perhaps impertinent, defender of prisoners' rights. For him and for his family, exile was a social punishment they never forgot.

The old Portugalov hated Gomel. He hated being set down among those whom he, in his pride, took to be inferior Jews of the (Ashkenazi) Pale. On the other hand, he never sought the ostensibly easy way out, namely, conversion. And to the end of his days he retained a fierce sense of national and class honor, which was at variance with his and his family's material needs. His children long remembered the story of the difficult case he won for a rich and titled lady landowner of the region who, once favorable judgment had been handed down and he presented his bill, remonstrated that it was difficult for Jews not to overcharge and require their pound of flesh. My grandfather, enraged, tore up the bill and threw both its pieces and the countess out of his house. His behavior on this and similar occasions took on the quality of a model to which, I think, several of his sons and, to my sure knowledge, at least one of his grandsons openly subscribed to the end of their lives. A throwback to Spain and Portugal and Iberian notions of honor? Perhaps.

The pattern continued with his son Ossip, of all her brothers the one closest to my mother and also the one who, in America, went the farthest. He, too, had gotten into trouble with the Russian police for political activities and had to make his way to the United States to escape them. He was a good mathematician, and when he heard that

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a new university was opening its doors in Oklahoma in what was still Indian Territory and that admission there was easy and tuition free, he went. At Oklahoma he did very well and was offered a fellowship to pursue graduate studies at Princeton—quite as much as a young immigrant could hope for. Shortly after arrival at Princeton, upon being ushered into some dean's presence, Ossip was met with a friendly face and a remark about the young man whose interview had preceded his. "We don't want any more Jews like that, if we can help it, do we now?" said the dean, and proceeded to welcome Joseph Vital DePorte of whose identity he knew and suspected nothing. What my uncle said to the dean on that occasion, if anything, I do not know. But he resigned his fellowship and moved to Cornell. It was fully in the family tradition to do something like this, and accorded with the character of this shy and exceedingly sensitive man as well.

As it happens, a similar incident was to be repeated with more lasting consequences for my mother. Having enrolled herself in Cornell as an undergraduate, the pretty and interesting ex-Russian Barbara DePorte was soon recruited for one of the sororities. A year later, doing her own bit to bring in new members, she proposed a friend whose name was obviously Jewish. "Oh, Barbara, we can't have her," she was told by her closest friend at the sorority, the one who had recruited her; "she's Jewish." "But so am I," said my mother, innocently. The response was one of dismay. "Well, please, don't speak about it, then, please don't tell anyone," her friend implored. But my mother, the larger significance of the incident dawning upon her, resigned from the sorority. More, she began to take a certain interest in Jewish matters and went so far as to attend some Zionist meetings in New York. It was at one such meeting, probably late in 1919 or early in 1920, that she met my father, Meir Grossman.

III

What my father and my mother had most deeply in common was Russia. After the harshness of New York and the gentility of Ithaca it was a breath of something familiar and warm that drew her to him. But it was not quite the same Russia. My father too came from a family settled outside the Pale, but on the frontiers of the country, in the Kuban region, north of the Caucasus—which was, as he liked to point out, Cossack country. Still, his Russian, like my mother's, was excellent and devoid of regional or Jewish accent, in every sense his native tongue. More, he had already made his way as a journalist for an important St. Petersburg daily newspaper—which is to say that he had made his way in the non-Jewish world and on its terms.

So while his origins were provincial, there was a sense in which my father was of the category of Russian Jews, still very small, to which my mother, through her own father, also belonged: Jews who were near, or at the brink of, assimilation. However, not only his roots, but his whole social disposition, were distinctly and consciously Jewish in a way that my mother's were not, or at any rate not to the same extent. The effect was to move him back from the brink—so far back, indeed, as to make of him a Jewish nationalist and, therefore, more of a modernist, more of a revolutionary in spirit, than any of the members of my maternal grandfather's family.

He was, in other words, a Zionist. It was on this that his life turned—his life and, in direct consequence, the lives of all the rest of us.

He had been an early member of the Zionist socialist movement, Po'alei Zion, and a founder and leader of the Zionist students' association, He-Haver. But such sympathy as he may once have had for Marxian socialism, let alone for its propagators, was wiped clean by what he saw of the Bolsheviks and experienced himself at their hands during the civil conflict in Russia (of which more below). Early in the Great War, having been rejected for military service by the authorities in the Kuban (because of relatively poor eyesight), he went to Copenhagen to represent his newspaper in that neutral capital and "listening post."

It was to Copenhagen, too, that some Zionist political activity also gravitated at that time, for tenuous contact could still be maintained there among the branches of the movement otherwise cut off from each other by the war. But that was not all. Soon after the outbreak of hostilities in 1914, the official, elected leadership of the World Zionist Organization (WZO) had resolved on cleaving to neutrality and, to all intents and purposes, hibernating until the war was over and the case for some form of Jewish political autonomy in Palestine along with the right of immigration and settlement there could be brought before the peace conference that would surely follow. Lying low during the war would, they thought, avoid the risk of damage to the movement or to particular Jewish communities that might flow from a commitment to one or the other side while the war was being waged.

It was not an unreasonable policy, and it accorded very well with an ancient Jewish instinct for prudent avoidance of involvement in the quarrels of other, infinitely stronger nations. But it was not a policy that appealed to all temperaments. Nor did all think it wise politically. The world, some argued, was about to change, and radically. It was up to the Jews, like all other "submerged" peoples, to define and recognize their opportunity and seize it. There were risks, but then there was nothing to hope for so long as the Turks ruled Palestine: that had been demonstrated time after time. The only chance for a breakout from the dead-end in which the movement had found itself in the prewar years was contingent on an Allied victory. Therefore, it was both wise and honorable for the Zionists to align themselves with the Allies

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and make their contribution to the common effort. And there was the prospect of political reward in the aftermath.

This was not a popular view. Those who adopted it were a minority. Of these, some kept their thoughts to themselves, while others began to move privately along whatever lines of confidential action were open to them. Chaim Weizmann, in London, became the best known, most effective, and ultimately most powerful of this revived "diplomatic" school of Zionist activists. But the first loud and public call for a change had come from Vladimir Jabotinsky, and my father was among those—still exceedingly few—who immediately responded to it, electrified by Jabotinsky's attempt to alter the movement's direction, declare for the Allies, and raise a Jewish Legion to fight the Turks in Palestine. He was, in fact, Jabotinsky's first real ally, for years one of his closest friends, and second only to Jabotinsky himself in the party—the Revisionist party—which the two were to form after the war and to which he, Grossman, was to lend his considerable organizational skills.

Yet my father's Zionism, the creed which served him as a compass throughout his life and largely determined the channel through which his wife and children would be impelled to move, was always subordinate to—indeed, derivative of—his larger sense of, and feeling for, the Jewish people as a whole. Zionism was to be the means whereby Jewry could and should be rehabilitated. In his view, the territorial and political solution to the Jewish problem was the most efficacious, the most honorable, and therefore the most desirable and worthy. There were never any doubts in his mind on that score. It was fundamental. At the same time, his views on the condition and rehabilitation of the Jews were substantially broader than was usual in the Zionist camp.

For one thing, my father never ruled out other possibilities. It was characteristic of his natural tendency to face facts and deal with them as they were that upon the outbreak of the February Revolution in 1917 he returned to Russia, where the Jews were in their numbers, and upon the proclamation of a Ukrainian Republic and the grant of national-political rights to the Jews there he took a seat in the parliament as a representative of the Jewish minority. It was equally characteristic of his views that, partly to annoy staider Zionists, but partly in earnest, he liked to point out in later years that there was no reason why there should be only a single Jewish state. Wherever the Jews lived in large numbers, there they were entitled to opt for self-determination. After the founding of Israel in 1948, though he agreed with David Ben-Gurion on almost all major issues, he would consistently oppose the Ben-Gurion argument that the Jewish Agency for Palestine and the Zionist Organization in its old form no longer had a *raison d'être*. On the contrary, my father thought, the Agency should continue to represent all Jewry and do so, moreover, outside Israel and away from the overwhelming presence and shadow of the sovereign Jewish government.

He was in his early thirties when he came to New York, six years older than my mother. He had been sent there under the auspices of a variety of Jewish institutions to deliver a first-hand report on the fearful condition of the Jews in Russia, but especially in the Ukraine, as the civil war was drawing to a close. To the misery, homelessness, hunger, disease, and general disruption of orderly life which was the common lot of virtually all inhabitants of the old empire there had been now added for the Jews a huge wave of slaughter, notably at the hands of irregular Ukrainian bands and regular White Russian troops, Cossacks especially. My father had seen much. He had narrowly escaped a Bolshevik execution squad which had looked for him as a Zionist and Jewish nationalist and as a supporter—no doubt increasingly reluctant—of Ukrainian independence. He had then made his way through Finland to the West, like so many others before and after him: a messenger on behalf of the afflicted to the secure and relatively comfortable. He would never return to Russia, where a sentence of death awaited him, but would remain in the West to help do what could be done for the people whose welfare and whose dignity were and would always be his great undivided concern.

I am not sure that I ever knew my father quite as well as I knew my mother, although we were certainly very close in the last years of his life and his death was a shock from which I had great difficulty recovering. He was generally even-tempered. He was very frank. He had an exceedingly rare and well-justified reputation—even among his political opponents—for integrity, and he had an equally well-justified and equally rare reputation for gentlemanly behavior. This, however, never precluded frequently bitter and certainly passionate public attacks by him on the policy pursued by the elected leaders of the Zionist organization—a source of wonder to the many people who could not understand how courtesy and friendliness in personal relations could coexist with profound political disagreement. There was, too, a warmth and an optimism which on the face of things accorded ill with a long but in many ways less than fully successful career in public life. Much respected, especially in the last decade or so of his life, he was nevertheless perpetually excluded from the inner circle not only of government and official leadership, but of informal political influence.

In British politics such a man would probably have found a place for himself as a notable and respected back-bench critic of the established order. In Jewish public life there was as yet no room for vocal yet loyal opposition and least of all was there any notion that such people—mavericks and genuine independents—were of value to the health

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of the nation, and useful even to government itself when they could be drawn, as from time to time they must be, closer to the top table. But then one of the curses of Jewish public life, especially in the Zionist movement and later in Israel itself, has been that public figures have had nowhere to go in the event of defeat or failure. To resign or to be forced out is to march into the wilderness and there to be forgotten. Even in this respect my father was unusual in that he did not fear (for all that he did not much like) either defeat or retirement.

IV

In October 1934 we left England for Palestine. When I say "we" I mean my mother, my sister, and me. My father was already there. It was my mother, not for the first time, who managed the winding up of our domestic affairs in London, supervised the packing of our furniture and other household effects, and set us on the long, tiring journey virtually unaided: traveling by train, ferry, and train again from London down to Marseilles. There we embarked on a Messageries Maritimes steamer, the *Sphinx*, bound first for Alexandria, then Jaffa (our destination), and finally Beirut. I remember nothing of the voyage itself except that the passengers were mostly French—colonial army officers and the like and their families—and that my sister and I were duly shocked to see children of our own age being provided with wine (mixed with water, to be sure) at meals. We did not go ashore at Alexandria, only watching the jugglers and divers who performed on the dockside for the passengers and, from the ship's rail, registering our first sight, sound, and smell of the Levant—and most powerfully of all the impact of its blinding sunlight.

There was no dockside at Jaffa, any more than there is today, only an open roadstead and tiny harbor for police and customs launches, lighters, fishing boats, and other small vessels. We had to march down the ship's ladder and jump or be carried or literally thrown into a lighter rolling in the swell below. All this was negotiated without mishap. My father was waiting in the customs shed and soon we all settled for some weeks in a little boarding house in Tel Aviv, a block or so from the sea front, until my parents found an apartment, our belongings arrived from London, and we were properly installed and set to begin afresh in a new country, a new language, a new climate, and—so far as my sister and I were concerned—among new people.

It strikes me now, after so many years, as characteristically curious about this transplantation that at no stage was it ever suggested to us, nor did it ever occur to us, that there was anything either remarkable or problematic about it. We never questioned it, never queried its need or desirability, least of all did we ever object to it. And while there had been absolutely nothing *specific* in my upbringing until then to prepare me for the move—neither indoctrination, nor instruction in the Hebrew language, nor any warning of things to come—it is plain to me now that I took it all as part of the natural order of things. I did so partly, no doubt, because that is generally how children do accommodate themselves to change so long as the family holds together (which was indubitably our case). But there was something else. Although my father never *taught* me to be a Zionist or a Jew, and although throughout my childhood and adolescence I remained remarkably free to think my own thoughts and go my own way, what was assumed to be proper in the realm of identity and loyalty and social and, ultimately, political behavior—all this was of the air we breathed.

In fact, our unexplained move to Tel Aviv at this time had its immediate origins (as opposed to its long-term rationale) in a personal and political crisis in my father's life which was also the great political crisis of the party he had done so much to help put together and run as second among equals. The first among equals was, of course, Vladimir Jabotinsky himself, the sometime boy-wonder of the Zionist movement, the spellbinding orator, the restless forager for new ideas, new programs, new roles for himself and above all new paths by which all of Jewry might make its way out of the deadly and desperate morass into which it was manifestly sinking virtually everywhere in Europe. Jabotinsky the man was now at the end of his tether. He had long since abandoned the seat he had briefly held in the official leadership of the Zionist Organization and, with my father and others, had led the new Revisionist party to astounding electoral successes. But he had been unable to achieve decisive mastery of the movement itself, nor could he hope for it.

At a crucial moment in the early 1930's Jabotinsky had hesitated to rejoin the official Zionist leadership, even in his newly strengthened and reinvigorated position as leader of a major party. The opportunity for entry into the ruling coalition having been missed, the gates to the temple of power and influence closed before him once again. His response was to seek to lead the Revisionists out of the established order altogether, to set up a counter-movement, a "New Zionist Organization." This was to be the instrument whereby Zionism would finally claw its way out of the tangle of real and imagined obligations in which both the British and the Zionists had bound themselves to each other, however asymmetrically, in the ever darker years that had followed the brief and uniquely splendid moment at the end of World War I when, with the Balfour Declaration, the *entente* between the two was consummated.

It was not that Jabotinsky, let alone my father or other founder-members of the Revisionist leadership, was in any serious sense anti-British. Nor did they ever accept that the British presence in

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Palestine was fundamentally illicit (as Menachem Begin, later to be Jabotinsky's self-proclaimed heir, seems to have believed and did certainly argue). To the end of his life, Jabotinsky not only remained an admirer of many things English but wanted a renewal of the old wartime alliance. But he and his original companions did not believe, as they thought Weizmann and his closest associates believed, that any good was done by deference, by imitation, by allowing what had to be a true political relationship to lapse into one of manifest dependence and subordination, articulated by no more than personal connections and intercession in high places. It was, they thought, fatal to allow everything to hinge critically on the undoubted but nevertheless limited and declining talents and personal entrée of whoever it was who claimed to hold a key to the corridors of British power. The great claimant to possession of that key was, of course, Weizmann.

But if my father, like his colleagues, was critical of the Weizmann school, he was also adamantly against withdrawal from the established World Zionist Organization. He regarded its founding by Theodor Herzl in 1897, and its consolidation over the years as a free, national parliamentary movement without precedent in Jewish history, as an immense achievement. It was therefore exceedingly precious, and not to be damaged, but on the contrary, preserved. Nor was it to be held to account for the failings of whoever happened to lead or manipulate it at a particular moment. Accordingly, on this particular issue my father took the lead of opposition to Jabotinsky *within* the Revisionist party.

What was in my father's eyes a discrete political issue became, so far as Jabotinsky himself was concerned, nothing less than a test of his leadership. In the event, within the leading circle of the party, and on the specific issue of breaking with the WZO or remaining within it, my father carried the day—always, be it stressed, without making any attempt to oust Jabotinsky himself. Alas for the Revisionists, for my father, for Jabotinsky himself, and for the Zionist movement as a whole, Jabotinsky refused to accept his senior colleagues' view. Instead, he called in the party's rank-and-file, where personal loyalty to him was rapidly assuming the character of a cult, and brought matters to a head—and to a final split—by reversing the decision. The New Zionist Organization then marched out of the WZO into the wilderness (from which, after Jabotinsky's death and after World War II, and with my father's help, it was to march back).

Only a rump of the party, led by my father and officially called the Jewish State party (but known popularly as the "Grossmanists"), remained within the WZO. There it served, virtually alone, as the loyal if often bitter opposition to the established leadership, by which at times it was ignored, at times respected, but always both resented and misunderstood. In an ambience in which tempers always ran high and political commitments and jealousies tended to last a lifetime, the "Grossmanist" party could not seriously hope to be more than marginal. And since its greatest strength lay in Lithuania (as Jabotinsky's lay in Poland), the destruction of East European Jewry during World War II put paid to the career of this party as to virtually everything else in Zionism's (and Jewry's) heartland.

I DOUBT whether my father ever fully recovered from the shock, the blighting of hopes, and the sorrow which the affair of the ruin of the Revisionist party most certainly caused him. He did not speak of it in later years, not to me in any event. Needless to say, I was unaware of anything of the sort at the time. Looking back, however, I have no doubt that it was the great turning point in his life, converting him in an instant from a central figure in a rising and potentially powerful element within the broader movement into an archetypical loner, at best the leader of a tiny band of loyalists fated to suffer steady political decline. Long before this prospect was clear and evident to him—*if* it was ever evident to him—he decided on a radical change of personal circumstances for himself and his family. He would delay no longer. Good and utterly genuine Zionist that he was, he would move permanently to the land of Israel.

Was the decision taken on an impulse, as a balm for his pain? Was it simply because the chief reason for remaining in London—namely, to run the central office of the Revisionist party—had now evaporated? Was it because he had in any case seriously to consider what, as a man in his middle forties, he would do with himself professionally in the wake of this crisis and had no possible ideological or sentimental or material justification for staying in England as a wholly or mainly private person? I do not know the precise answer to any of these questions. My sense is that all these considerations must have been in his mind.

But if it was a turning point in his life, it was equally—in some ways more drastically still—a turning point in the lives of his wife and children. For we were not only instantly plunged into a new country, a new society, and a new language, but swept up in the enterprise that, as my father had always believed, lay at the end of the road he had been traveling all his life: the new Jewish state itself.

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A (Jewish) Double Helix

Chaim Raphael

If only because Jewish experience has gone on for so long and in such differing circumstances, it is notoriously difficult to frame a satisfactory definition of what it means to be a Jew. But if there is no short cut, the sheer variety of Jewishness may perhaps itself be exploited for the task. This is what the publishers of a new series of brief biographies called *Jewish Thinkers* seem to have in mind in assembling a host of exemplars across the ages, each of whom has had a strongly individual approach to Jewish experience and has expressed it in writing. The first four books in the series have recently been published, with a long list promised for later; and the initial choice of subjects is certainly as diverse as one could wish.*

It is helpful, in a way, that the overall title *Jewish Thinkers* should contain an apparent ambiguity: Jews who have thought about Jewish life, or thinkers in general who happen to have been Jews. In the event, no such distinction emerges, and for an obvious reason. Jews do not exist in a vacuum. Even those most intensely preoccupied with things Jewish have been influenced by and have had a place—often a major place—in the general world of thought. In varying degrees, every book in this series is thus bound to reflect a symbiosis, or—to adopt a different metaphor—perhaps a double helix, with the story portrayed, as in the transmission of life itself, in the form of two interwoven spirals.

This is true even of the most distant and in many ways the most purely "Jewish" of the four, the great scholar known universally as Rashi (initials of Rabbi Shlomo Itzhaki), who lived in the 11th century in the small market town of Troyes in the Champagne district of northeast France. As we shall see, the setting had its own significance in contributing to Rashi's importance; but first we must note the work itself, which might seem insubstantial for such a major reputation since it consists mainly of just commentaries, one on the Bible, the other on the Talmud.

Yet these commentaries have been indispensable both to Jews and to interested non-Jews since they were first written more than 800 years ago. The huge success they have enjoyed is not just a matter of their style, beautifully tailored in each case as it is to the purpose in view. Rashi on the Bible is a work designed for popular consumption, with virtually every word or phrase explained in a terse, simple way before the exegete adds, in many cases, a more freewheeling view of the meaning in the form of grammatical, legal, or anecdotal commentary drawn from tradition. Rashi on the Talmud, equally succinct, simplifies the immense complexity of legal discussion and thus becomes a basic guide to the Halakhah on which all subsequent scholars have built.

Intellectually, the huge commentary on the Talmud might seem to comprise the greater achievement; yet Rashi's implicit approach to the Bible has, perhaps surprisingly, gained a new validity today. In the centuries during which the Bible was taken by its readers to be true in a literal sense, Rashi's comments, appearing in all printed editions below the biblical text itself, were read in a similar spirit. This changed in the last century when scholars began to "improve" on the Bible, to look for corruptions, diverse sources, and ancient parallels, and thereby to chip away at the singularity of the text.

In recent years, however, a strong reaction has set in against the eagerness to adopt this sort of Bible interpretation, and we are being encouraged once again to read the text as it stands, recovering, in this way, the power which it had in its pristine form and which was precisely what kept it inviolate through all the centuries of faith. A striking illustration of the new method at work is Robert Alter's well-known literary study, *The Art of Biblical Narrative*, in which the meaning of the text is unfolded in terms of the deliberate intent and skill of the original writer; Gabriel Josipovici's *The Book of God* (Yale, 1988) also follows this new approach. Yet anyone who has ever read Rashi in the original (or for that matter in translation) will recognize the presence of just this very contemporary attitude in each and every one of his comments; and the recognition brings home the perennial centrality of the Bible in Jewish thought.

How was it, though, that Rashi emerged to impose such lasting cohesion on Jewish understanding? Allowing for the waywardness with which genius appears, one is still impelled to ask about the influence of his setting. A suggestion put forward by one scholar linked the wide range of Rashi's knowledge to

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* *Rashi*, by Chaim Pearl (109 pp.); *Bialik*, by David Aberbach (140 pp.); *Heine*, by Ritchie Robertson (113 pp.); *Buber*, by Pamela Vermes (113 pp.). Grove Press, $15.95 each. Forthcoming volumes in the series are on Solomon ibn Gabirol (by Raphael Loewe), Moses Mendelssohn (by Arthur Hertzberg), and Chaim Arlosoroff (by Shlomo Avineri).

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the trade fairs for which Troyes was famous in the Middle Ages. These fairs, the argument ran, would have brought learned visitors from far-off lands (as happened later in Poland) to engage in protracted argument and also to hold decision-making rabbinic synods when trading was done. Unfortunately, the great American historian Salo Baron has demolished this attractive idea, pointing out that the trade fairs of Troyes are known of only in the century after Rashi's death.

Another suggestion similarly dismissed by Baron is that the huge volume of Rashi's writing had to do with the great tanneries of Troyes, which could have provided him with unlimited supplies of parchment; it turns out that the tanneries, too, were a later feature of the townscape. Indeed, so expensive was parchment in Rashi's day that Baron half-jokingly proposes its very scarcity as a reason for the succinctness of his writing style.

As it happens, the really significant factors in the case of Rashi lie in the quite remarkable development of Jewish community life and scholarship at this time in the towns of the not-far-off Rhineland. As Chaim Pearl explains, some small Jewish communities lying along the old Roman roads to the North (Cologne, Worms, Mainz, and others) suddenly began to grow in the 9th century with substantial Jewish immigration from Babylon, Italy, and Spain. Until the First Crusade at the end of the 11th century, the Jews of this area were virtually free of restrictions, busy in trade and agriculture and protected in a wide variety of financial and administrative roles. In this stable environment, study in all its forms had been given its head, making possible (though of course hardly guaranteeing) the rise of a Rashi.

IN LATER centuries there were to be many reprises in Jewish experience of what one might term the Rashi approach to life, an approach that, however tempered and even worldly, still in the end puts its primary energies on the Jewish side of the "spiral." And of course there were to be many reprises as well of the very different approach taken by Rashi's contemporaries in Spain, where Jewish intellectuals played leading roles in both Muslim and Christian society and moved into sophisticated forms of self-expression, especially in philosophy and poetry, far removed from anything Rashi knew or would have understood. The great Hebrew poet Chaim Nachman Bialik (1873-1934), who in some respects might appear to belong in the latter category, in fact is a type of the former.

Born into the teeming Jewish civilization of Eastern Europe, Bialik drew his life's blood from his boyhood study of the Bible and Talmud, and in particular from their elements of folklore. It is true that, as David Aberbach shows, he was also very receptive to other influences. If the imagery of his poems is rooted in the Bible, we must note also his Wordsworthian love of nature, his sympathy for the surrounding atmosphere of revolution, and above all the sense in which he was "a *Russian* poet, with the energy, the moral sincerity and torment, the chiaroscuro moods and landscape which characterized the Russian poetry of his time." Yet the whole was suffused by his undying obsession with the Jewish issue.

For Bialik, to be a Jew was to be engaged in a ceaseless struggle with God; it was the fight for life that Jacob had experienced in his nightlong struggle with the angel. Long before Auschwitz, Bialik decided that there was no answer in theological terms to the seemingly endless sufferings of the Jewish people, no comfort to be found in traditional study or in a mystical surrender to faith. Yet equally there was no doubt, for him, that such redemption as might be wrested from experience could only be expressed within Jewish forms, in his case through poetry forged in a Hebrew language that was even then in the process of being reborn in the ancient homeland.

WITH the remaining two writers of the quartet we catch different facets of the interwoven spirals. Heinrich Heine, born in 1797 into a half-assimilated Jewish family of "liberal" instincts, took as the paramount themes of his writings the ancient magic of Germany and the transformation of society now called for in the wake of the Napoleonic upheavals. As Ritchie Robertson puts it in his excellent book, "for Heine, as for Hegel, the chief actors in history are ideas."

Heine does give some weight in his writings to his own Jewishness, as in his treatment of the historical conflict between spiritualism and sensualism, the former most fully realized in the Hebrew Bible, the latter in classical Athens. It is a dialectical struggle, in which each principle holds a partial validity. For Heine the perfect synthesis of the two is found in Shakespeare, who was "both Jew and Greek," while Christianity marks "the victory of Hebraism over Hellenism," an overshadowing of the vibrancy of life itself.

But if Hebraism therefore has a place for Heine in the scheme of things, his true delight lies in the paganism and pantheism of the old Germany, immortalized in his poetry. In this connection Robertson quotes passages of the sheerest self-hatred, if pierced often with characteristic irony, as when Heine writes of Christianity: "A dismal religion, introduced by a pale bloodstained Jew with a crown of thorns on his head." Heine is at his most sincere when he says, "I love everything that is German more than anything else in the world." Even his deathbed recovery of some kind of Jewish faith was ironic: "Thank God I have a God again."

THERE could hardly be a greater contrast in this respect than with Martin Buber. Though he, too, a century later than Heine, poured his ideas into the dialectical form which Hegel had imposed on German thought, and thus led Jewish consciousness along very unfamiliar paths, Buber unlike Heine was a deeply learned Jew, involved in the tradition from his earliest childhood.

Born in Vienna (1878), Buber was sent to Galicia at the age of three after the breakup of his parents' marriage to live with his grandfather, a substantial businessman who was also a very active scholar and editor of rabbinic texts. The young Martin had a broad-based secular education at the Lem-

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berg *gymnasium*, then moved on to the universities of Vienna, Leipzig, and Zurich. But although his studies no doubt contributed to the theological skills which were to find such original expression in his philosophy of "I and Thou," the driving force in his life was the wish to communicate in new forms the models of Jewish religiosity which had surrounded him in his youth in Galicia.

In an early phase, this led to a creative interest in Zionism and a close collaboration with Chaim Weizmann. Later, Buber's deep search into the ultimate sources of Jewish faith took unexpected shape in the massive translation of the Bible into German that he undertook in cooperation with Franz Rosenzweig at the age of forty-seven and which occupied him for nearly forty years. Yet overriding all this, as Pamela Vermes makes clear, was his sudden "encounter" at the age of twenty-five with the pietistic ideas that had surfaced in the 18th century among the Jews of Eastern Europe under the stimulus of the founder of Hasidism, a charismatic known as the Ba'al Shem Tov. Reading the life of the Ba'al Shem, Buber was immediately seized, after years of skepticism, by a new concept of Judaism. In his own words, the hasidic soul opened up "that most ancient of Jewish insights flowing into the darkness of exile with newly-conscious expression: man's likeness to God as deed, as development, as task."

A little later in the 20th century the force of mysticism in Jewish life would be explored with prodigious originality by a scholar younger than Buber, Gershom Scholem. For Buber himself, however, mysticism was not so much a subject of scholarship as an occasion of poetry and imagination. The many books which flowed from him in this field—starting in 1906 with *The Tales of Rabbi Nachman*—concentrated strikingly on *devekut*, or intense cleaving to God, on humility, holy intention, worship, ardor, and joy. The ideas that Buber evoked in his immensely readable explorations had clearly built up in his own mind an approach to man's identity, and to man's relation to God, that found theoretical formulation in *I and Thou*, a short book that has fascinated religious thinkers everywhere—except, it seems, among Jews themselves.

Jews in general rarely respond with enthusiasm to theological speculation, preferring to let their faith express itself through the authority and comfort of ritual. In Gershom Scholem's lapidary formulation, "Judaism is a firmly circumscribed phenomenon in which impulses and aspirations capable of formulation have actualized themselves." Buber, by contrast, was aiming to reach the heart of Jewish experience in terms rarely "capable of formulation," or at least of clear formulation. Even with the help of the summaries and explanations of Pamela Vermes, one is finally left to wonder how far the philosophy of "I and Thou" is basically related to Jewish thought and how far it is, and may have been for Buber himself, a celebration, in his marvelously poetic style, of the glories of the German language.

THE tensions adumbrated in the thought of Heine and Buber (though held in fine balance, in the case of Buber, by profound Zionist and Jewish commitments) are emblematic of a familiar Jewish style, the style of the modern Jewish intellectual. One might imagine that the founding of the state of Israel would have put an end to such tensions, and hence to the style as well, at least for those Jews living and creating within the culture of the Jewish state. But the fact is that even in Israel the double focus continues to make itself felt, and on the whole in healthy ways.

The pioneer Zionist Ahad Ha'am saw in the prospect of a Jewish return to Zion not only the provision of a physical refuge—the major impulse behind the practical activities of Chaim Weizmann—but the establishment of a center of spiritual regeneration for the Jewish people as a whole. Weizmann himself dreamed of "a Jewish intellectual center" in Palestine that would be "a synthesis of [rabbinic] Yavneh and Europe"; for his part, the more single-minded Ahad Ha'am envisaged a one-way flow of purely Jewish ideas from the new Jerusalem to the Jewish communities of the Diaspora.

In the event, Israel has become an intellectual center beyond anyone's dreams, but the standards developed there in science, music, and the arts reflect a nonstop and wide-ranging exchange of talent, with no boundaries between what flows in and what flows out. Ironically enough in the light of Jewish history, it is only in the field of military power that one can perhaps locate an achievement arising purely out of Israel's own situation and character. In the spiritual field, by contrast, the Jewish thinkers and thinking Jews of Israel have indeed been regenerated in Ahad Ha'am's sense, but in the style so widely prevalent in the Diaspora: to a greater or lesser degree, depending on the individual, they are Jews who are part of world civilization, giving and receiving in what has increasingly become a seamless pattern. And so the old story continues.

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Books in Review

After *Roe* v. *Wade*

SCIENCE AND THE UNBORN: CHOOSING HUMAN FUTURES. By CLIFFORD GROBSTEIN. *Basic Books. 207 pp. $18.95.*

Reviewed by
RICHARD JOHN NEUHAUS

IT IS widely assumed that, one way or another, *Roe* v. *Wade*, the 1973 Supreme Court decision legalizing abortion, will be superseded in the near future. That assumption is shared by both "pro-life" and "pro-choice" parties, and by observers comfortable with neither of those defined positions. In the several cases scheduled to come before the Court, *Roe* could be reversed quite directly, although that may be improbable in view of the felt need to demonstrate respect for precedent (*stare decisis*). More probably, the Court will challenge key legal premises of the *Roe* decision, such as the much-debated discovery of a constitutional right to privacy. The result will be to create legal space for a stronger assertion of state interest in, and responsibility for, the unborn, with the consequent regulation of access to abortion. What that might mean more specifically will be the subject of vigorous, and no doubt impassioned, debate in fifty state legislatures.

In the journals of opinion and op-ed pages, the debate has already started. Pro-choice proponents are deeply disappointed that *Roe*, which was supposed to have settled the abortion question by judicial fiat, turns out to have settled little or nothing. Their aim, understandably, is to devise a legal and political strategy for rescuing what they can from the anticipated wreckage of what now seems to have been a temporary victory. The pro-life proponents, on the other hand, whom the prestige media have for sixteen years tended to treat as marginal troublemakers, are buoyed by what they view as the stunning achievement of having defied and prevailed against the American establishment. So they will clearly be moving into the state legislative arenas with a psychological edge over their opponents. But momentum is not everything. At least as critical are the ways in which arguments, including moral arguments, will be recast in the period ahead.

As a foretaste of things to come, we are fortunate to have Clifford Grobstein's *Science and the Unborn: Choosing Human Futures.* This intriguing study comes warmly recommended by prominent figures in biomedical ethics and reproductive sciences. Daniel Callahan of the Hastings Center, which is always to be found on the leading edge of discussions of the relative merits of life and death, takes note of the author's "superb scientific knowledge and his ethical sensitivities," and hails the book as "a significant contribution to a rapidly escalating debate." Richard McCormick, a Jesuit at Notre Dame University, declares Grobstein's analysis to be "scientifically informed, ethically sensitive, politically realistic," and says the book "is must reading for anyone concerned about our common future." That, presumably, includes most of us.

ACCORDING to Grobstein, who is professor of biological science and public policy at the University of California, San Diego, our treatment of the unborn cannot be securely determined by "abstract moral principle or bloodless constitutional dogma." What is required, he urges, is an understanding of "consensual objectives," goals that we as a society want to advance, including respect for life. These objectives and the rules that follow from them are subject to public debate and political negotiation aimed at producing policies that, among other things, "must not offend the overall public ethos." If this "demanding requirement" is forgotten, the result will be "public policy without moral foundations"—and such a public policy will not be sustainable in our kind of society.

In order to arrive at "consensual objectives," Grobstein notes, we must be aware of the scientific facts. But we need to know more than facts. Objectives are shaped by value judgments, and we must therefore first of all determine what values we are going to employ in deciding what can and cannot be done with human life at its various stages. That is why the first chapter of *Science and the Unborn* addresses "The Significance of Status," for, as we shall see, the author's conclusions follow logically from his own assumption that the main question before us is one of assigning status to human life. The second chapter, "Becoming an Individual," then treats what we know scientifically about the very beginnings of human life, while in the following chapters Grobstein extends the moral methodology of "status assignment" to the later stages of pregnancy and beyond. He then draws conclusions, of varying degrees of tentativeness, about what public policy ought to be with respect to assigning "protective status" both to the unborn and to those who are born but whose qualifications for status assignment might be in question. The book includes a useful appendix of simplified medical charts and commentaries on the stages of human development, and ends with an intriguing epilogue on biotechnology and space exploration.

GROBSTEIN assuredly gives the reader much to think about, and his moral reasoning requires careful attention. Before we look more closely at that reasoning, however, it might be useful to return briefly

RICHARD JOHN NEUHAUS, *a Lutheran pastor, is director of the Rockford Institute Center on Religion and Society in New York. His most recent book is* The Catholic Moment: The Paradox of the Church in the Postmodern World.

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to his notion of "consensual objectives." As a biologist, Grobstein is aware of the frequently inflated claims made for science as a value-neutral source. On the question of who is a human being to be protected by society, he writes, it should be "especially clear that scientific fact is value-laden" just as, at the same time, "morality must be science-aware." And he recognizes the solemnity of the issues being engaged: we are of necessity making decisions about who is and who is not a human being entitled to the community's protection. But despite this, or maybe because so much is at stake, Grobstein would exclude from the discussion moral considerations that are religiously grounded. The exclusion applies to all religion, but he is especially adamant about Roman Catholic moral teaching, which he lumps together with what he judges to be sundry fundamentalist obscurantisms and characterizes as tradition-bound, rigid, simplistic, irrational, ignorant of scientific progress, and part of a "frozen past" that must make way for the needs of the present and future. What Grobstein so vehemently opposes is exemplified in the 1987 Vatican *Instruction on Respect for Human Life in its Origins and the Dignity of Procreation*. This, he writes, "reasserts a rigid doctrine in the face of advancing reproductive knowledge and its derivative technology, even though the technology is designed to yield a clear human benefit."

There are several problems with Grobstein's dismissal of religion-based teaching. For one thing, he seems to assume that statements from religious sources are expressive of private and nonrational (or even irrational) convictions, whereas they are typically intended to be public articulations of rational argument. It would have been more helpful if Grobstein had argued why his way of thinking is rational while other ways are not, rather than merely asserting this to be the case. Then, too, his claim that religious statements ignore scientific realities is curious in view of the fact that there is nothing of a scientific nature in *Science and the Unborn* that is not taken into consideration by, for example, the Vatican *Instruction*, and on a number of developments in reproductive science the *Instruction* is considerably more detailed than Grobstein's book. But of course what he calls "value-laden" science is very differently laden in the Vatican statement.

Finally, Grobstein's dismissal of religiously-informed considerations wreaks havoc with his emphasis on the need for communal consensus and for sensitivity to the ethos of society. He writes: "To assign status [to the unborn] rigidly on the basis of morality subscribed to by only a fraction of the population will seem arbitrary to all others and will only invite continued dissension." If one includes all those in America who claim to subscribe to a biblical basis of morality, it is true that one has a "fraction of the population," but the fraction is considerably above 80 percent.

WHERE then is the consensus to come from? Against "*absolute* criteria based on traditional concepts," Grobstein wants "*relative* criteria appropriate to the current

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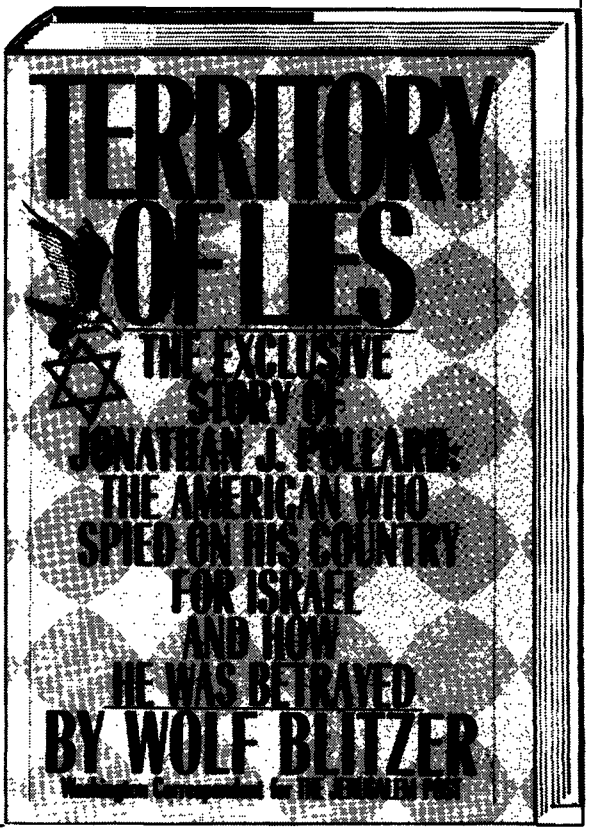
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state of knowledge and *specific* currently formulated purposes" (emphasis in original). But how are we to formulate those purposes, and who is the "we" who will do the formulating? As soon becomes evident in *Science and the Unborn*, scientific experts and medical professionals are the controlling participants in the "societal consensus" that Grobstein envisions.

In this respect Grobstein is by no means unique. On the contrary, he is typical of those who wish to construct "values" apart from tradition, and most particularly apart from the religious dimensions of tradition. All the more reason, then, to follow his arguments about human life and its protection with some care.

The more reflective proponents of the pro-choice position have learned one thing for certain from their failure to obtain the democratic ratification of *Roe* v. *Wade*. This is that the overwhelming majority of the American people do intuit, however confusedly, that there is something "there" in the womb that is disturbingly like one of us. Whatever we call what is in the womb, it is not a wart, and it is not a potential goldfish. The fact is that, barring natural misfortune or direct attack, it will become what is indisputably a human being. In short, human life is a continuum from conception to death.

As a scientist, Clifford Grobstein readily agrees. Of the zygote, the single human cell produced at conception, he writes: "Scientifically there is no question; the zygote is certainly human to its core." The embryo, too, "is clearly a member of the human family, and . . . its biological humanness, therefore, should be affirmed in the status assigned to it." But here is the catch: none of this need get in the way of the possibility of abortion, or of experiments with embryos, or of using fetuses for "spare parts." What Grobstein does in this book is to recast the pro-choice argument in terms newly respectful of the unborn, but only to lead us through a course of reasoning by which it becomes evident, at least to him, that killing the unborn can in fact be an affirmation of their humanity.

That may seem an implausible task, but it begins to make sense if we allow that what is under consideration is not the recognition of any rights that the unborn might possess, and certainly not anything so "simplistic" as the right to life. It is true, Grobstein writes, that in our society, "whatever the intrinsic state of the offspring, its perceived human quality may induce empathy—in turn, leading observers to wish to assign a protective status." But the critical thing to keep in mind is that we (society) are doing the valuing. Or, as Grobstein repeatedly puts it, we "assign status" to the unborn.

In other words, the status (as opposed to the humanness) of the unborn is *not* something that is "there," which we are then obliged to respect and protect. Rather, the moral status of the unborn—and, it turns out, of others already born—is both created and maintained by *our* assignment. This is why it is so inappropriate to think in language such as that in the Declaration of Independence about "unalienable rights" bestowed by "Nature and Nature's God." Such language, says Grobstein, may be suited to political entities struggling to be free, but hardly applies to "cells and tissues" in the womb. Here, the only question that can be admitted is the question of the rational criteria by which we will or will not assign status to a human life.

WHAT are those criteria? Grobstein is a champion of the liberal individualist theory of society. "Human society," he writes, "is taken to consist of individuals with rights and responsibilities that are assigned through the mechanism of societal status." Not everyone, however, counts as an individual. A human life must "possess certain properties," and we decide which properties are pertinent. Most people, Grobstein believes, will agree that status should be contingent upon sentience and a sense of selfhood. A human life that is not conscious of itself as an "I" has no claim on the rest of us.

Grobstein employs the term "egogenesis" as shorthand for what might also be described as a neurocentric doctrine of individualism. He leaves no doubt that there are gradations in both the development and decline of the ego, and these gradations have a strong bearing on status assignment. He is more straightforward than some who write about these matters in acknowledging that the approach he favors can justify both infanticide and adult euthanasia. After all, status assignment always implies the possibility of status reassignment. But as a scientist, Grobstein is actually less interested in infanticide and euthanasia than in the experimental uses of the unborn, especially of those in the embryonic stage. His explanation of how such activity is compatible with the acknowledgment that the unborn are "members of the human family" achieves a subtlety that is almost exquisite.

It is the case, he says, that even the "pre-embryo" has "biological membership in the human community," and must be respected for its "profound potential" to become "an individual in the fullest sense, an undeniable person." And such respect is appropriate "so long as [the unborn] has a reasonable probability of continuing development to become an infant and then an adult." But now comes the subtlety: "The situation is transformed if, for whatever reason, a particular pre-embryo has no reasonable prospect of developing further."

And why should it have no reasonable prospect of developing further? The answer is simple: because we have decided to terminate it. It all comes back to status assignment. Human beings are what we assign them to be. The decision to terminate a life is premised upon its assignment as a life to be terminated. That, then, is what that life *is*.

SOME may be more impressed by the circularity of this argument than by its subtlety. Such people would not likely be any more impressed by Grobstein's further argument that, in those cases where use is made of the unborn for experimental and other purposes, not only has no injury been done the terminated life in question, it has actually received a great benefit.

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The unborn who have had their lives offered to science are blazing "a possible path to a cellular 'fountain of youth' for therapeutic purposes." They have become "a symbol—and indeed truly a currency—for this profoundly human mutuality would seem to elevate rather than to denigrate their moral value."

Of course Grobstein is chiefly discussing the use of early embryos, but he indicates that he is well aware of the possible implications of his argument for the aged, the severely handicapped, and others who are not capable of giving compelling reasons for status assignment as human beings to be protected. He knows that some people are fearful of the human hatcheries of the Brave New World, and others fret about euthanasia centers of the kind devastatingly described in Walker Percy's novel *Love in the Ruins*. But he assures us that such fears are exaggerated, at least in the "short term." At present, there are "few, if any, serious current research purposes" requiring the lethal use of human life beyond the early embryo stage, although such proposals "may not be fanciful in the longer term."

The elderly in our society are, for whatever reason, made particularly nervous by such language. Grobstein tries to alleviate their anxiety. While there is a connection between the unborn and the declining elderly—"each represents a transitional state to, or from, typical personhood"—nevertheless "the two situations are not, of course, identical." True, elderly people "with severe cognitive defect might not be admitted to personhood if their status were to be reconsidered on strictly definitional grounds," but "by general consensus and for complicated reasons, their status is continued as an entitlement." Again, at least for the present. As Grobstein emphasizes throughout, the urgent need is to reexamine and renegotiate existing assumptions, and to sort through the complicated and frequently irrational factors that stand in the way of arriving at a new and more coherent approach to status assignment in our society.

Clifford Grobstein is a distinguished biologist and policy analyst. *Science and the Unborn* has been hailed as a conceptual breakthrough. The argument he makes is certainly an advance over earlier pro-choice advocacy, in that it recognizes the inescapability of the question of the moral status of the unborn. The author is also to be credited for his candid admission that the question of the unborn is not just about the unborn, but entails of necessity our understanding of persons and our obligations to them at every stage of life. Further, he is surely right in saying that we must work toward a better consensus on questions of life and death.

IT SEEMS highly improbable, however, that Grobstein's argument will help to build a consensus that, as he says, "must not offend the overall public ethos of a moral society." A moral society we may not be, but ours is certainly a moralistic society. Its moralism is incorrigibly entangled with religion, and that, in turn, is reinforced by national traditions by which, as in the Declaration of Independence, we hold some truths to be self-evident.

Americans are not always very articulate about those truths, some of which are more like deeply entrenched intuitions. But none is more deeply entrenched than the intuition that the moral status of human beings is something given, maybe something endowed by God, but certainly not something assigned by us. Americans may not be certain what that means for public policy when it comes to the protection of vulnerable human life, both before and after birth, but they are not likely to take kindly to arguments that rule out of order their deepest intuitions. Proposals such as those in *Science and the Unborn* clarify for the debate ahead the crucial difference between those who believe that moral status is for us to assign and those who believe it is there for us to respect.

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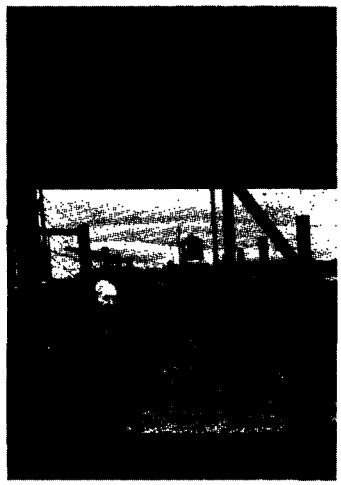

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TRADING PLACES: HOW WE ALLOWED JAPAN TO TAKE THE LEAD. By CLYDE V. PRESTOWITZ, JR. *Basic Books. 365 pp. $19.95.*

Reviewed by DAVID FRUM

WHEN *Trading Places* was published last fall, the environment for the success of its ominous message about the Japanese must have seemed far from hospitable. Richard Gephardt, pushing protectionism, had been booed off the political stage by the shouts and jeers of the media, and each of the two big parties had then nominated an avowed free-trader as its presidential candidate. The more vehement of them, George Bush, went on to win in November. The trade issue appeared to have been settled, and *Trading Places* might confidently have been shoved onto the remainder shelves.

And yet, *Trading Places* has become an Important Washington Book. In trade as in so many other areas, the early rumblings from the Bush administration have sounded distinctly different from the noises heard during the campaign. Even before he was sworn in, George Bush sent a letter to Senator John C. Danforth of Missouri, promising not to drop the restrictions on imports of steel. The new President seems to have happily accommodated himself to all the protectionist measures imposed by his predecessor—the restrictions on cars, trucks, and motorcycles, on semiconductors, steel, and food—as well as to the new procedural apparatus erected during the Reagan years to monitor and harass foreign products. The Secretary of the Treasury, Nicholas Brady, has publicly ruminated over governmental measures to correct the alleged short-sightedness of American business: federal assistance to commercial research and development, amendments to the antitrust laws to permit domestic industrial consortia, changes in the tax code to discourage those activities condemned by the authorities as speculative and to promote those deemed productive. The Secretary of Commerce, Robert Mosbacher, is advocating a "holistic" approach to trade that would guarantee American business a specified quota of the Japanese domestic market.

The people who will benefit financially from these policies are, naturally, easily convinced that they are in the public interest. Clyde Prestowitz has set out to persuade everyone else. In him, the cause of "managed trade," or "industrial policy," or "the level playing field," or whatever euphemism is preferred at the moment for state control of the flow of imports and exports, has at last found a plausible champion. He has lived in Japan and speaks Japanese. He has worked as a consultant and a corporate director for many firms that have tried to compete with the Japanese. During seven years as Counselor for Japan Affairs to the Secretary of Commerce, he conducted innumerable negotiations with the Japanese, culminating in the semiconductor cartel of 1986. And unlike such past industrial-policy celebrities as Robert Reich and Lester Thurow, Prestowitz has not seized on the apparent commercial successes of Japan as a justification for his views: his fear of Japan is sincere, and not merely a convenient argument for statist ideology.

GRANTED, little of what Prestowitz has to say is original. But its very familiarity adds to its effectiveness. Who does not "know" that American industry is being pulverized by rivals bringing to bear the huge power of highly organized industrial combinations? Or that the United States is hampered by its chronic indiscipline and its inability to keep secrets? Or that the federal government fails to remedy the situation because its authority is too fragmented and too susceptible to pressure? Precisely because we have already read the arguments in a dozen books and a thousand articles, what Prestowitz says makes intuitive sense.

His central thesis—that "the notion of individualism, so sacred to the United States, is also its fatal flaw"—is the most familiar of all: *Trading Places* bears more than a coincidental resemblance to *The Ugly American* and the fretful polemics of the cold war, or indeed, to the long tradition of American worry-wartism, stretching through the 1930's all the way back to the classics of Yellow Peril alarmism. They all solemnly intoned that the United States was losing ground to a far-sighted rival: Russia or Germany or China or—even then!—Japan, capable of harmonizing millions of discordant human wills into one single menacing purpose. The fears of American tract writers remain constant, even if the identity of the adversary preparing to profit from them keeps changing.

Nor are Prestowitz's policy prescriptions novel. They are pretty much the same as those favored by Louis XIV's finance minister, Colbert: incentives to export, disincentives to import, and public assistance to industries deemed strategic. Specifically, he suggests that the United States admit that the Japanese market is impenetrable under normal circumstances, drop its demands for alterations in Japan's trade laws, and instead negotiate for a fixed proportion of its market, industry by industry.

IF, HOWEVER, we have heard these recommendations before, we have not heard them from a writer so frank about their consequences. *Trading Places* bravely faces up to the full implications of mercantilist economics. When, more than a decade ago, Americans first began to be told that they ought to emulate the Japanese, Japan was conventionally represented as a paragon of industrial democracy. The Japanese sought harmony, while Americans preferred confrontation. Japanese managers accepted low salaries, ate in the same cafeterias as their workers, and parked in the same lot. Workers were guaranteed lifetime employment, and in return shared their intelligence as well as their sweat with their firm. They even sang the company anthem in the morning.

Prestowitz indulges in no such cant. He does not disguise the harshness of Japanese society: "Many incidents are reported of groups of children—sometimes led by a teacher—harassing, at times

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even brutally, those who seem different for one reason or another." Or its inequality: "The concept of hierarchy is so deeply ingrained that it is literally impossible to speak Japanese without first establishing a hierarchy. . . . Verbs, adjective endings, and entire forms of expression change depending on whether the person addressed is higher, equal, or lower in the hierarchy than the speaker."

Similarly, when Prestowitz prescribes a dose of neomercantilism for the United States, he makes no sunny promises. Again unlike other advocates of industrial policy, Prestowitz does not deny that free markets create higher standards of living than directed markets. His ideal, however, is not consumption but power, and "power demands capabilities in certain industries and key technologies." Achieving and preserving those capabilities will probably require at least temporary reductions in the standard of living of many Americans, because national power is not perfectly compatible with the welfare of the individual: "While Japan is rich, the Japanese are not." And, equally, what is good for the United States may not be pleasant for individual Americans.

Americans may want cheaper products—but the United States needs a semiconductor industry. Americans may want their pension funds to earn the highest possible rate of return—but the United States needs more patient capital. Americans may want to strike out on their own and found their own businesses—but the United States needs huge industrial enterprises that cooperate against foreign competition. Americans may want to sell their property to the highest bidder—but the United States needs to retain strategic assets in domestic hands.

How, though, are we to recognize these strategic assets? Prestowitz never says. We are not offered criteria, only examples, and the assertion that such industries somehow "contribute more than others, in terms not just of national security but also of pure economic welfare." In other words, America's survival as a superpower is at stake, and that surely overrides the desire of the individual to buy a second television set, does it not?

Well, does it? In Prestowitz's book, an extended transvaluation of values takes place, according to which it is American consumers who are the selfish special interests, and the demands of America's corporations that represent the public good. Yet that the interests of Bethlehem Steel and the interests of the people of the United States are one and the same is never proved by Prestowitz; no real attempt to prove it is even begun. Instead, as in most of the new literature of protection, his case relies heavily on emotional manipulation. The collapse of proud old American firms before Oriental guile is vividly described, while Japan's new economic power is made fearsome by harrowing example after example. If the American government

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ever treats its trading partners unfairly, we do not hear of it; this is no time for petty evenhandedness. Thus, it seems, does protectionism ever drape itself in a bunting of patriotism.

Renaissance Man

THE AUTOBIOGRAPHY OF A SEVENTEENTH-CENTURY VENETIAN RABBI: LEON MODENA'S LIFE OF JUDAH. Translated and edited by MARK R. COHEN. *Princeton University Press. 308 pp. $39.95.*

Reviewed by ANDRÉ A. ACIMAN

IN 1571, at the age of thirty-eight, Michel de Montaigne made what must have appeared to his French contemporaries a sudden and inexplicable decision: he abandoned the law, set aside his political aspirations, and retired to his ancestral estate in the Perigord, where he resolved to devote his remaining years to the "freedom, tranquility, and leisure" of intellectual pursuits. Converting one of his castle's towers into a library, he began writing there what was soon to become one of the most eloquent tributes to the inquiring, free-thinking spirit of the late Renaissance: his *Essais*.

Montaigne's retreat hardly represented a monkish disaffection with the affairs of the world. He was yet to serve two terms as mayor of Bordeaux and, for the remainder of his life, was involved in highly sensitive political missions. In his outlook and in his autobiographical writings it is hard to conceive of a man more eminently secular or more serenely earthbound, or of one more thrilled by the idea of man. Each sentence he writes about his experience of life, including its failings and quandaries, is punctuated by heady reminders of the all-too-human. Indeed, this in the end is how Montaigne is able to live with himself: not by confronting his shortcomings, but by delighting in the very process of discovering them; not by decrying his lot, but by seeming to overlook it. The formula is insidiously simple, and it bears the unmistakable stamp of Montaigne's Janus-faced and elusive consciousness.

Leon Modena, too, was a late-Renaissance man saddled with immeasurable contradictions, but his vocabulary for exploring the self in the light of those contradictions is totally unlike Montaigne's, and his autobiography, written in Hebrew and entitled (after his Hebrew name) *The Life of Judah*, presents an entirely different sort of consciousness. Modena was born in 1571, the same year Montaigne took to his tower. But despite the minor coincidence, and despite Montaigne's own half-Jewish origins, no two men have at once shared so many common interests and lived two such different lives.

Montaigne was the child of good fortune. He was born rich and he died rich and, throughout his life, juggled avocations with the dexterity of one resilient about everything, save where personal freedom was concerned. Montaigne can be curious and tolerant of things that would otherwise shock his countrymen; even when he takes the most fanciful leaps, even at his most extravagant, he knows he will always land on his feet, because there will always be a place for his feet to land on. He is by temperament, and by experience, sanguine.

With Modena, though he sprang from a family of prosperous money-lenders in the ghetto of Venice, the story is entirely different. His is the itinerary of a hapless man plagued by perpetual bad luck and, in later life, by bad health—the sort that saps body and spirit, worsening each day without ever leading to death. Poor, sick, unhappily married, without home or income to speak of, haunted by his failure to reverse his family's fortunes, a Jew in a deeply unstable world, a wanderer in a community living constantly under threat of exile, old Rabbi Modena sits down to provide an account of his life that is justifiably laced with snatches from the books of Job and Jeremiah. Both biblical books, in fact, are the undertexts of his autobiography, Job signaling sickness and despair, Jeremiah captivity and exile.

MODENA'S *Life of Judah* is not so much an autobiography as it is a *Historia Calamitatum*, a ledger of misfortunes. The analogy with bookkeeping is hardly fortuitous, for Modena does indeed draw up an itemized list of his woes. They include an eldest son who died of lead poisoning while engaged in alchemical experiments; the death of a second son, stabbed in the throat by ghetto ruffians at night; an unregenerate third son, roaming the world; the father himself, having encouraged the first son in his experiments, failing to rescue the second at the time of his murder, and banishing the third from home.

"Ever since I was born," Modena writes, "I have had no joy." And indeed moments of joy are extremely rare in *The Life of Judah*, being invariably mentioned only in passing. In matters of the heart, Modena's intended bride, Esther, suddenly took ill before their wedding and died; marriage to her successor, who was her sister Rachel, proved a lifelong disaster. ("This," writes Modena, referring to his wife's ill-temper, "has been and will be the destruction, ruin, and desolation of my money, body, honor, and soul until this day.") And as for professional endeavors, Modena again compiles what may be the most famous list of its kind, the twenty-six ill-starred ventures he undertook to eke out a living as a teacher, preacher, broker, playwright, translator, cantor, matchmaker, alchemist, editor, commercial broker, and—last but not least—compulsive and inveterate gambler.

No wonder the author of this autobiography can write at the age of fifty-one that "There has not been a day that has not been more accursed than the day before." And yet the harsh verdict that he passes on his life is also seriously misleading. As one of the prefatory essays to this book makes clear, Modena omits some of the high points in his career, particularly those relating to his well-deserved reputation for erudition and to his unquestionable prestige among his co-religionists in Venice and far beyond.

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But one high point he does mention. It has to do with something of which he is justifiably proud, namely, his fame as an eloquent speaker or preacher. It seems that King Louis XIII's brother, Gaston, Duc d'Orleans, while sojourning in Venice had attended one of Modena's sermons and expressed his admiration. On another occasion, a group of French exiles and Christian dignitaries also came to hear him preach. Among them was Henri, Duc de Rohan, then the commander of the Venetian army, and accompanying the Duc de Rohan was his friend Henri de Candale, a man equally famed for his military exploits. Modena is extremely vain of his reputation among Christians: "God put such learned words into my mouth," he writes of one well-attended sermon, "that all were very pleased. . . . People wrote to distant places all over Italy about how unique it was. . . . May it not become a source of pride and haughtiness for me."

Such episodes, revealing a man deeply at odds with the persona presented in the *Life of Judah*, tally with the picture one adduces both from his other works and from reports of his contemporaries. Modena, it seems, in addition to his acumen as a rabbinical scholar, was a typical Italian Jewish intellectual of his day, highly versed in Italian letters and in Jewish humanism, much like the philosopher Leon Ebreo, author of the *Dialoghi d'Amore*; the historian Azariah de' Rossi, the first to investigate the sacred Jewish past in the light of non-Jewish texts; and Abraham Yagel, the author of the first Jewish catechism. Modena liked the theater, enjoyed liturgical music, and was an accomplished dancer. He befriended many Christians, went to church to hear them preach, and had a vivid appreciation for the general cultural context in which the Jewish religion of his day was practiced.

Christians came to him to learn Hebrew or to consult on a variety of issues pertaining to Judaism. None other than Sir Henry Wotton—a man who knew John Donne, Sarpi, and Kepler, and who went fishing with Donne's future biographer, Sir Izaak Walton—commissioned Modena to write a description of the Jewish religion for King James I. Forever up to the task, Modena produced what would later become known as the *Historia de' riti hebraici*, among the clearest and most serene expositions of any religion in print. The *Riti hebraici* must have been very successful, for it was translated into French, English, Dutch, Hebrew, and Latin. It is still eminently readable today.

The list of people who knew Modena or who corresponded with him reaches everywhere. To name a few: John Selden, the great British jurist and friend of Ben Jonson, Michael Drayton, and Francis Bacon; Sir William Boswell, who had helped avert a Catholic plot against Charles I; Thomas Coryate, author of *Coryat's Crudities*, a man famed for taking the Grand Tour on foot and whose shoes were still on exhibit in Europe a century after his death; and Gabriel Naudé, the French *libertin* who had been Louis XIII's physician and whose friend Gaffarel was to edit the French translation of Modena's *Riti hebraici*.

Among Jewish scholars, Modena's contacts defy catalogue. Suffice it to name two: Simone Luzzato, who succeeded Modena in the Venetian rabbinate, enjoyed a reputation as a rationalist and a mathematician, and was to write an economic defense of the Jews; and Joseph Delmedigo, rabbi, philosopher, and astronomer, who had studied under Galileo and was a staunch supporter of the Copernican system (although, like Modena, Delmedigo also held mixed feelings toward Jewish mysticism and the Kabbalah).

But despite Modena's links to the intellectual world of late-Renaissance Europe, despite a vast network of contacts that put him one person removed from the two most powerful monarchs of Europe, he was equally at home in the harried, confined, superstitious world of the

Man Praying, detail from the Prague Haggadah, 1556. (Valmadonna Trust Library, London)

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ghetto which he describes so frankly in *The Life of Judah*. He was, then, a very complex man, a "strange mixture," in the words of the late Cecil Roth, "of learning and simplicity, of enlightenment and superstition, of scientific intuition and the most crass credulity. . . ." Unlike Montaigne, however, he does not seem to have known how to tabulate that complexity, how to explore it, how to talk *around* it, or how to make something of it.

Perhaps he was personally just more dispersed than Montaigne. But Modena's inability to transcend or synthesize the divergent strands within him—or even, like Montaigne, to become obsessed with the *idea* of divergence—seems also to be linked with his inability to find analogues for divergence in the sources he revered and to which, in his writing, he alludes as constantly as Montaigne alludes to the classical texts of Greece and Rome. Those correspondences with his own life which he does uncover from the Hebrew Bible merely steer his experience back into the spiritual world from which the other aspects of his life seem to have been entirely excluded.

A poem that Modena wrote at the age of thirteen well expresses a divided consciousness seeking to bridge cultural loyalties through artifice. The poem, composed as a eulogy for his teacher, is a marvel of its genre, making phonetic and verbal sense whether it is read as Hebrew or as Italian. The emblematic dualism of this poem, manifesting the often beguiling contradictions inherent in the life of every exiled Jew compelled to live in a hostile environment to which he has nevertheless developed a special allegiance, also announces the specific and enduring tension that informed each and every aspect of the life of Leon Modena.

The Autobiography of a Seventeenth-Century Venetian Rabbi is very well translated and edited by Mark R. Cohen, copiously annotated and thoroughly researched from both the critical and the historical point of view. Among the three introductory essays, all of which serve the reader very well, Natalie Zemon Davis's is particularly eloquent and incisive. In all, this book is valuable not only as a document of one man's fascinating life but as a font of information about Jewish experience in Venice and in late Renaissance Europe at large. One would give much to know what Montaigne would have made of it.

Legal Fiction

LAW AND LITERATURE: A MISUNDERSTOOD RELATION. By RICHARD A. POSNER. *Harvard University Press. 371 pp. $25.00.*

Reviewed by PETER SHAW

INTELLECTUALLY speaking, the law-and-literature movement, which got under way in the 1980's, cannot be said to exist. It pretends to have introduced a pedagogical innovation into legal study, instructing students in the techniques of literary analysis for the purpose of interpreting laws and in the reciprocal use of legal analysis for the purpose of interpreting literary texts. The result, according to advocates of the movement, is not only new conceptual breakthroughs in law and literature alike but more sensitive, humane, and aware lawyers.

Whatever the truth of this last claim, there can be no doubt that the movement is a success: law-and-literature is an accepted subject in law journals, and is taught in our leading law schools. When, however, one looks into what the movement's practitioners actually write and say, rather than any pedagogical innovation, a familiar political agenda becomes apparent.

Some of the elements of that agenda are exposed in *Law and Literature: A Misunderstood Relation*, a new book by the movement's most distinguished opponent. In this book Judge Richard A. Posner systematically refutes the writings of a number of leading lights both of the law-and-literature movement and of the related critical-legal-studies movement: Ronald Dworkin, Roberto Unger, James Boyd White, and Richard Weisberg, along with the cooperating literary critics Terry Eagleton and Stanley Fish. But Posner also ends up—paradoxically and unaccountably—*endorsing* the movement. As a result, his book stands both as a rebuttal of law-and-literature and as a tribute to the power it has come to exercise in academic circles.

Posner starts with the notion that lawyers can offer special insight into works of literature, by which are meant works that either contain actual trial scenes or otherwise deal in legal matters. Such works include Kafka's *The Trial*, Melville's *Billy Budd*, Shakespeare's *Measure for Measure*, Dostoevsky's *The Brothers Karamazov*, and Dickens's *Bleak House*. As Posner points out, writers use the law to express a certain idea of necessity, or else as a metaphor for the workings of society; seldom in literature are legal questions *per se* at issue, or is there anything else about which a lawyer might instruct other readers. This is no doubt why practitioners of law-and-literature end up discussing the law itself far less than one might suppose. James Boyd White, for example, in his discussion of arguments in *The Iliad*, barely touches on law, and then so generally as to render himself vulnerable to Posner's devastating remark that "any argument can be analogized to a legal dispute."

Similarly with the other side of the equation, the notion that literary criticism can be helpful in interpreting law. The trouble here, Posner shows, is that literary interpretation in general aims at exploring richness and variety of meaning in texts, whereas legal interpretation aims at discovering a single meaning. A literary approach can thus only confuse the task of interpreting the law, especially if one adopts current fashions like deconstruction with its doctrine of the inherent uninterpretability of all texts whatsoever.

Posner calls the importation of literary criticism and deconstruction into law "the falsest of the false hopes of the law-and-litera-

PETER SHAW's *new book of essays,* The War Against the Intellect, *has recently been published by the University of Iowa Press.*

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ture movement." In fact, he would have been justified in calling it the most politically sinister of the movement's impositions. For the practitioners of this new field are engaged not in a properly academic but in a blatantly political project: claiming to offer a lawyer's insight into works of Western literature, they are in reality bent on exposing the rottenness of bourgeois-capitalist society as, supposedly, it is revealed in that literature; using the tools of literary analysis, they aim at exposing the inequities of the same society's laws, which they see chiefly as a means deployed by the ruling classes to maintain control.

Not that Posner is naive about the politics at issue. He lucidly explains that practitioners of law-and-literature, in common with those in critical legal studies, regard law

> as little more than a projection of capitalist ideology. They want to get rid of that ideology, of the Western liberal tradition that subtends it, and of the legal order that protects and legitimates it.

But this arresting summary is delivered in passing, as if bearing no more import than any other item in Posner's exhaustive recital of the movement's fatuities and logical inconsistencies. It should instead have been made the linchpin of his analysis.

Posner's failure to attack the law-and-literature movement forthrightly is all the more strange in that he has himself been attacked by various of its luminaries, and has participated in sharp public debates with, in particular, Richard Weisberg of New York University Law School. In his book Posner does attempt to refute Weisberg's "unorthodox" reading of *Billy Budd*, a key text for law-and-literature, but his refutation is curiously muffled.

The trial in *Billy Budd* is a shipboard drumhead court called by a British sea captain during the war between England and France in 1797. Midshipman Budd, confused and outraged by what the reader knows to be a false charge of planning a mutiny, has knocked down and inadvertently killed the officer who confronted him with the charge. The captain fears that if rumors of mutiny spread among the crew just when the men may be called upon to go into battle at a moment's notice, his lone ship will be put at risk. He therefore virtually directs the drumhead court to order that Budd be summarily hanged. Yet the captain is also a man of discernment, and he guesses that Billy is innocent of the mutiny charge; he suffers fatherly pangs of regret at having to be the one to condemn him to death.

According to Weisberg, Captain Vere is guilty of distorting the law in the service of a secret resentment which he attempts to exorcise through the hanging of an innocent man. But Billy is *not* innocent, except of mutiny; he is guilty of killing an officer. Furthermore, as Posner is able to show by offering a more persuasive examination of naval law than Weisberg's, Captain Vere does not abuse the law.

Posner, however, seems curiously unmoved by the implications of Weisberg's misreadings. He does observe that liberal literary critics "are uncomfortable with authority, including military authority, and hate capital punishment," and he points out that Weisberg "expresses sympathy for the criminal act and antipathy toward the people who bring criminals to justice." But his measured, point-by-point refutation of Weisberg's reading, which as it happens is hardly an "unorthodox" one among critics and scholars of American literature, has the aspect of a genial parlor game going forward with the windows shuttered against the noise of insurrection out in the street.

Posner has covered every move, but he has not taken the game seriously. He offers a defanged, sanitized version not only of the *Billy Budd* controversy, but of every question he touches on. Having forthrightly repudiated the claim that lawyers have something to

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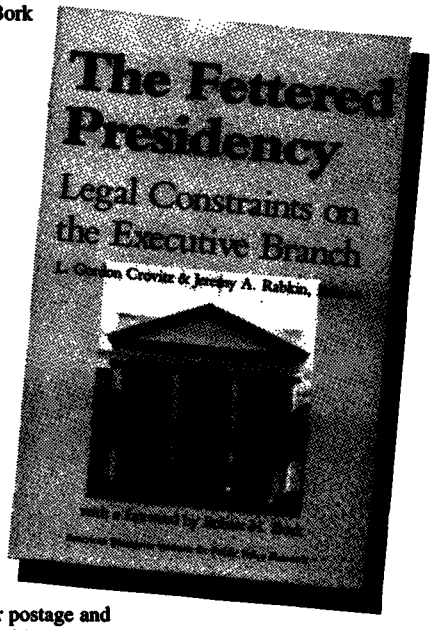

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contribute, as lawyers, to literary analysis, he writes nevertheless that law-and-literature is a field with "promise," a field for which he declares his "warm though qualified enthusiasm." Why?

Perhaps a clue lies in Posner's observation that the law has become "*inescapably* interdisciplinary," and that critical legal studies, the most radical manifestation of the phenomenon, "looms too large on the horizon of academic law to be ignored." Perhaps, recognizing the success of a movement that has singled him out for abuse, he has attempted to strike a compromise, paying obeisance to its institutional success by declaring that it "deserves a place in legal teaching and research" while leaving it to others to draw the conclusion from his analysis that it is an entirely factitious undertaking, deserving of no intellectual respect whatsoever.

But if Posner believes in the possibility of achieving a détente with his adversaries, his expectations have already been dashed. Although the jacket of *Law and Literature* features blurbs by such literary bystanders as Daniel Aaron and Eugene Goodheart, the critic Stanley Fish, who has allied himself with the movement, has pronounced the book "execrable" and has called Posner "an ideologue who is part of the conservative intellectual attack on everything new that has come up in areas like literature, philosophy, or the law in the last 15 years." Such would appear to be the instructive fate of compromising one's principles.

"People's Artist"

PAUL ROBESON: A BIOGRAPHY. By MARTIN BAUML DUBERMAN. *Knopf. 763 pp. $24.95.*

Reviewed by HARVEY KLEHR

For all of Paul Robeson's manifold achievements as an athlete, a singer, and an actor, it was his political activities, and in particular his long record of devotion to the Soviet Union, that turned him into a culture hero. This helps explain why Martin Duberman's massive biography has been awaited with such eagerness, and also such trepidation, by many of Robeson's admirers on the Left. Lloyd Brown, a black writer long close to Robeson and sympathetic to the Communist party, had been originally slated to write the authorized biography, but he was removed by Robeson's son Pauli, himself a lapsed Communist. Although Duberman's own political sympathies lie with the Left, there were fears that his treatment of Robeson's politics would end by submerging or diluting them, or that revelations about Robeson's personal life might tarnish the reputation of a "people's artist."

Such fears have proved only partially valid. Duberman's interpretation of Robeson's life and politics is sympathetic, admiring, and exculpatory—but it is also true that thanks to his prodigious research, and to the sometimes tediously encyclopedic book based on it, enough details emerge to allow readers to reach very different conclusions from his own. In brief, Duberman views Robeson's life as "*the* American tragedy writ large"; it could more appropriately be seen as the Communist tragedy writ small.

PAUL ROBESON was born in Princeton, New Jersey in 1898. His father, born a slave, had obtained a theology degree and become the pastor of a black Presbyterian church. Despite some hardships—his mother died when he was six years old, his father was removed from his pulpit, and the family was poor—Robeson, as Duberman writes, was insulated by "accidents of geography, family, and talent . . . from the brutalities of daily life commonplace for black Americans in the pre-World War I years." He was able to win a scholarship to Rutgers University, becoming only the third black to enroll there, and during his undergraduate years he excelled at everything he tried. As an athlete he won fifteen varsity letters in four sports, capping his career by being chosen twice to an all-American football team. He was a varsity debater, a four-time winner of the class oratory award, a member of the glee club, junior-year Phi Beta Kappa, and class valedictorian. And he did all this in the teeth of indignities and slights of the sort that faced all black Americans. He seemed, in short, destined for greatness.

After college Robeson obtained a law degree at Columbia, but quickly became convinced that racial discrimination would limit his opportunities as a lawyer. Instead, he turned to the stage, an arena where his race, far from impeding his career, actually enabled him to capitalize on his talents much more quickly than would ordinarily have been the case. In the mid-1920's, he stunned critics in two Eugene O'Neill plays, most notably *The Emperor Jones*. Among his other hits were *Showboat* and *Othello*. And in a second career as a singer of spirituals and folk songs he was also able to bypass the long years of apprenticeship in poverty and small clubs routinely endured by even the most talented.

Still, his stage and screen roles were limited. Noting that *Jericho* was one of his better movies, Duberman adds: "Not, to be sure, among the highest compliments one can pay to his career." Although in part he was restricted by the lack of sufficient roles, Robeson also suffered from severe technical deficiencies—"awkward body movement, a tendency to declaim"—and turned down some parts that carried risks. As Duberman observes, Robeson "let others think he was stumbling through his roles on instinct, as a hedge against being judged by standards he himself . . . felt unable to meet; should he be found wanting when measured against those standards, he could fall back on his noble-savage disguise." Still, his striking stage presence frequently earned him plaudits even when the vehicle was panned.

Robeson's personal life was deeply troubled. Married in 1921 to Eslanda ("Essie") Cardoza Goode, a calculating, protective, light-skinned black woman who managed his career for a number of

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years, he was frequently and regularly unfaithful; for most of their long marriage they lived apart. Women threw themselves at him. (Duberman does lay to rest the rumor that Robeson was bisexual.) Essie was particularly bitter about his affairs with white women, once complaining that "he is just one more Negro musician, pursuing white meat." Nor was he a doting father; his wife asserted that his interest in Pauli manifested itself only when it benefited "the artist to mention such prosaic things as children and parenthood." Robeson had a rationale for his neglectful habits: in any conflict between art and the family, he maintained, the artist had to "consider his responsibilities to this multitude rather than to those few."

In the early 1930's Robeson suddenly swung to the political Left. Duberman, linking his new militancy to the collapse of a three-year romance with a white Englishwoman, speculates that her decision to end the relationship reinforced Robeson's belief that the white, Western world would always reject him. Be that as it may, in 1934 Robeson angrily announced that the "modern white American" was a "member of the lowest form of civilization in the world today," and in the same year he accepted an invitation to the Soviet Union. Once there, he was smitten: "Nights at the theater and opera, long talks with [the director Sergei] Eisenstein, gala banquets, private screenings, trips to hospitals, children's centers, factories . . . all in the context of a warm embrace." Convinced that the Soviet Union had abolished racial prejudice, Robeson felt, he said, "like a human being for the first time since I grew up." It was the start of a lifelong romance.

Nothing in subsequent years ever shook Robeson's faith that the Soviets were on the road to creating a wonderful new society. In the late 30's and beyond he justified the Stalinist purges even though they swallowed up some of his own friends; it was right, he said, for the Soviets to "destroy anybody who seeks to harm that great country." In 1939 he defended the Nazi-Soviet pact, then dutifully changed his tune two years later when Hitler turned on his Soviet ally. His name graced the letterheads of numerous Communist fronts, and he gave benefit concerts for a host of left-wing causes.

Paul and Essie made frequent trips to Moscow. So taken were they with the Soviet Union that they sent their son Pauli to attend school there for two years with the children of Stalin and Molotov—even though, as Duberman notes, they were warned by Eugene and Peggy Dennis, prominent American Communists who had been unable to take their own American-born son out of the Soviet Union after they had completed a Comintern assignment, that it would be wise to issue a public announcement of Pauli's presence there as a hedge against his being held hostage.

In 1949 Robeson arrived in Moscow in the midst of Stalin's notorious anti-Zionism campaign. Uneasy at his inability to find old Jewish friends, he asked to see Itzik Feffer, the noted Yiddish writer. Feffer was brought from prison to Robeson's hotel, where he silently communicated that their conversation was being bugged. Other Jewish cultural leaders, he was able to convey, had already been purged; drawing his hand across his throat, he indicated what was to be his own fate as well. Robeson's response was to include a tribute to Feffer during his last Moscow concert. Duberman extenuatingly suggests that the gesture was "all that he could have done without directly threatening Feffer's life," but that life was doomed anyway; more telling is that on his return to the United States, Robeson vehemently denied the existence of Soviet anti-Semitism.

Although he read Khrushchev's 1956 speech denouncing the crimes of Stalin, Robeson never commented on it in public or private. The closest he ever came to acknowledging that the regime to which he had given his allegiance was less than perfect was in a remark to a friend that some acts of individual injustice might have occurred. In public, from the mid-30's on, there was no more devoted fellow-traveler than Paul Robeson. Indeed, he

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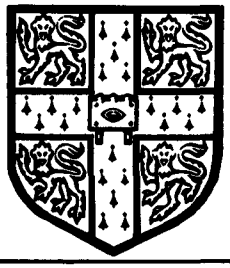

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faithfully echoed the position of the American Moscow-line Communists that while prosecution of them under the Smith Act was illegitimate, Trotskyists did not deserve civil rights because they were "allies of fascism."

FOR a long time Robeson's political activities did not materially affect his career. What finally inflamed public opinion, brought down the wrath of the government, and led to the destruction of his commercial career in the United States were a number of comments and actions during the cold war. Thus, in 1949 he suggested that American Negroes would not fight on behalf of the United States in a war with the Soviet Union. In later years he equated American treatment of blacks with genocide and charged the United States with conducting germ warfare in Korea.

The State Department lifted his passport. In 1949, hoodlums and anti-Communist vigilantes disrupted one of his concerts in Peekskill, New York. Although Robeson engineered a brief comeback in 1958, primarily abroad, where he had always been popular, his health had begun to fail and in 1960 he slashed his wrists while in Moscow, beginning a long period of severe mental depression and withdrawal that continued until his death in 1976. His son Pauli was convinced that his illness was chemically induced by the CIA, but Duberman admits that there is no evidence to support the charge.

Paul Robeson is a depressing book, not only for its portrait of a squandered talent but also as a reminder of the immoral lengths to which moral outrage can lead. Duberman, to be sure, strains to apologize for Robeson's obtuseness. Conceding that his political statements were sometimes "simplistic," Duberman charges Robeson's critics with "competing simplicities." Robeson's loyalty to the Soviets, he writes, is to be understood as fidelity "to the sanguine view that they were potentially as generous, as aware, and as concerned about the sufferings of mankind as he was"—in contrast to those "powers-that-be" who "must always vilify those purveying a more sanguine message." And so forth.

The émigré Czech novelist Josef Skvorecky, quoted by Duberman, has recalled how bitterly he and his friends hated Robeson for singing at concerts in Prague while the Soviet-backed regime was killing and persecuting its "enemies." Skvorecky charitably concludes: "May God rest his—one hopes—innocent soul." From this biography it becomes apparent that any such hope in Robeson's innocence was and is misplaced.

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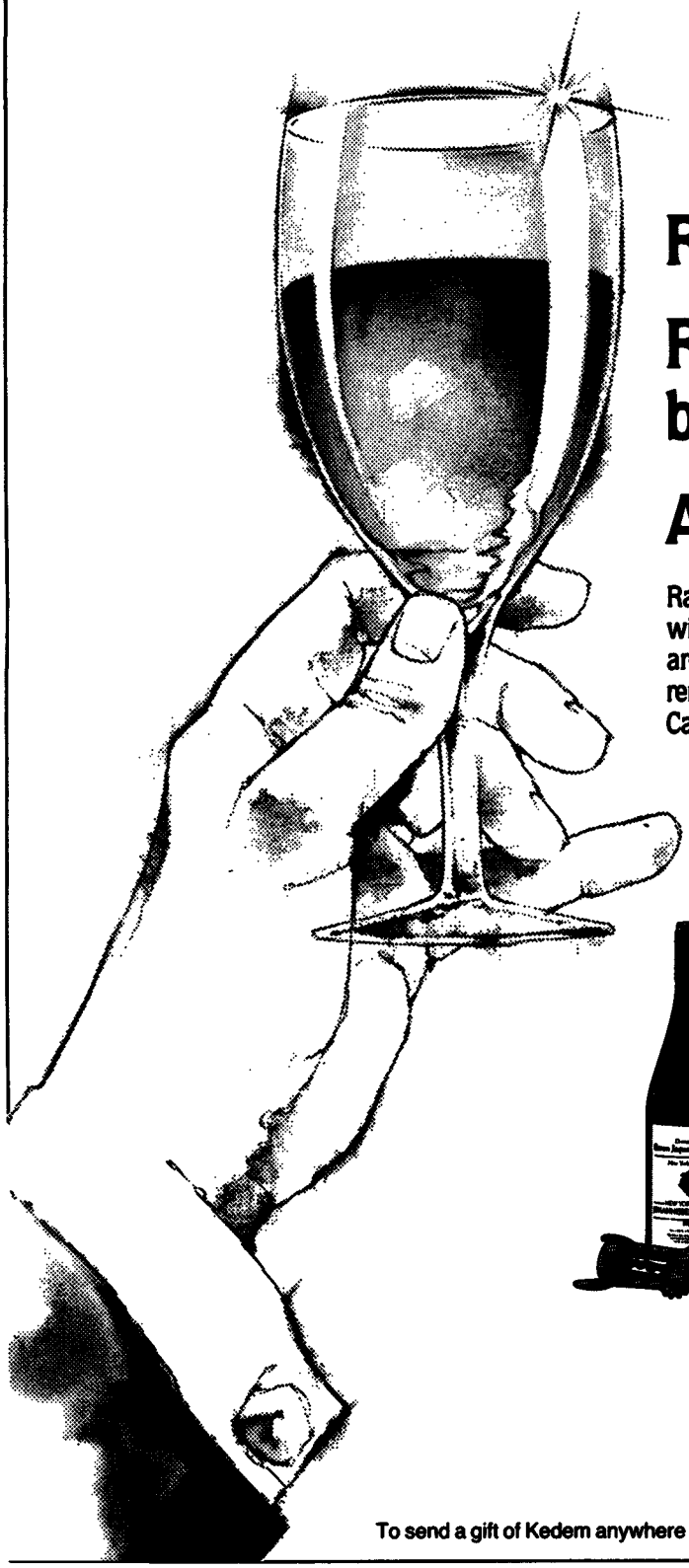

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